Manitoba Constitutional Task Force

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Chairman: Professor Wally Fox-Decent

MANITOBA CONSTITUTIONAL TASK FORCE

Tuesday, February 12, 1991

TIME — 9:30 a.m.

LOCATION — Winnipeg, Manitoba

CHAIRMAN — Professor Wally Fox-Decent

Members of the Task Force present:

Mr. James Carr (Member for Crescentwood)

Ms. Jean Friesen (Member for Wolseley)

Mr. Oscar Lathlin (Member for The Pas)

Hon. Darren Praznik (Member for Lac du Bonnet)

Mrs. Shirley Render (Member for St. Vital)

* Substituting for Hon. James McCrae (Member for Brandon West), Hon. Harry Enns (Member for Lakeside)

Support Staff for the Manitoba Constitutional Task Force:

Professor S. Gallagher, Research Director

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Witnesses:

Jonathon Crowe, Private Citizen

Roger Barsy, Private Citizen

Laura Anne Holden, Private Citizen

Sharon McDonald, Private Citizen

Sigridur Stefansson, Private Citizen

George Marshall, Private Citizen

Alice Steinbart, Private Citizen

Peter Kelly-Kinew, Native Media Network, Inc.

Cameron Rolfe, Manitoba League of the Physically Handicapped

Rod Yellon, University of Manitoba

Matters under Consideration:

Public Presentations—Manitoba Constitutional Task Force

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* (0940)

Mr. Chairman: Good morning, ladies and gentlemen. Welcome to our final session of public hearings, in at least this round, here in Room 255 of the Legislative Building. We will be proceeding today until about noon, and after this event the task force will be meeting for a number of occasions to decide what it will put into reports that will be forwarded to the Manitoba Government.

I would just ask those who are presenting this morning if they would be mindful of the rules which you will find printed in the pamphlet, which I hope you have had a chance to pick up from the back of the room. The principal rule, I would call to your attention, is the time limit on speaking. You will hear a bell after 15 minutes, which indicates you have five minutes left. There will be a double bell at 20 minutes, when we would ask if you would kindly conclude your remarks. After the presentation by you, there is the opportunity for task force Members to ask you questions.

The task force Members who are with me this morning, I would now like to introduce to you. At the end of the table on my left is the Honourable Darren Praznik, the Conservative Member of the Legislature for Lac du Bonnet and Minister of Labour in the Government of Manitoba; next to him, the Honourable Harry Enns, the Conservative Member of the Legislature for Lakeside and the Minister of Natural Resources in the Government of Manitoba; and on my immediate left is Mr. Jim Carr, the Deputy Leader of the Liberal Party and Member of the Legislature for Crescentwood. On my immediate right is Mrs. Shirley Render, the Conservative Member of the Legislature for St. Vital; next to her, Ms. Jean Friesen, the New Democratic Member of the Legislature for Wolseley; and at the end of the table on my right, Mr. Oscar Lathlin, the New Democratic Member of the Legislature for The Pas. I am Wally Fox-Decent.

Our first presenter this morning, ladies and gentlemen, is Mr. Jonathon Crowe. Good morning.

Mr. Jonathon Crowe (Private Citizen): Good morning, sir. Is this thing on?

Mr. Chairman: Yes, it is.

* (0945)

Mr. Crowe: Okay. As you may have noticed already, ladies and gentlemen of the task force, I am not submitting a written brief. I am just going to be

speaking from my written notes. If you have any questions at the end, of course, I will be more than willing to answer them.

To begin, Mr. Chairman, I was a couple of years ago one of 300-or-so people who came to the Manitoba Task Force on Meech Lake to present their views then. That was two years ago. Since then, matters have become much worse in this country, and in fact some people are speculating that in a short time we may not even have a country. That disturbs me a lot and that is one of the reasons why I am here.

Mr. Chairman, I would like to go back a little bit to last summer when the last and final rounds of the Meech Lake discussions were engaged. We were engaged in a vain attempt as it were to salvage the accord. The negotiations which were held in Ottawa that May and June after the Charest report really sapped the nation's confidence in the way we do things, the way we amend our Constitution and the way our Government is run. The Charest report which, for example, you, Mr. Chairman, were able to present to was seemingly ignored. The hearings seemed to be redundant. Mulroney brought the Premiers into a closed room, into a pressure cooker, as it were, and strong-armed them into signing. It was carefully scripted; it was carefully media manipulated; it was quite a sight as it were.

I was one among many Manitobans, I believe, who were really quite disillusioned, disappointed and disgusted with the way in which it happened, and that the fact that we went as Manitoba, we went into there, we had our demands, we came out of there, we signed the deal, we received nothing.

In the aftermath of that is the threat of Quebec's separation, which has been, for example, the last couple of weeks ago in the Allaire report from the Quebec Liberal Party and soon next month in the Belanger-Campeau report.

Now I would like to take a look at the Allaire report to begin with. I find it, quite frankly, quite unworkable, quite a mass of transfer power. The Quebec Government in this report would receive some powers, culture, for example, education, communications, energy. It assumes that no one will ever move in or out of Quebec; it seems to be—everything seems to be sectionalized in Quebec. It seems that we do not really need consistent standards, although, for example, in education, a case could be put forward for increasingly tighter and more national standards. In communications, for example, we need a national net of communications to help bind the nation together. Environment, another one, knows no boundaries. It does not stop at any borders.

Mr. Chairman, as well under joint powers, we would have taxation, justice, immigration, transport, the post office, foreign policy. How do you have, one might ask, joint control over the post office? Do you have two sets of letter carriers or two sets of bureaucracy? One might wonder. It is also interesting that we cannot really consult with just one part of Canada on a foreign policy, for another thing. The federal Government remains with not too much under this proposal—defence, customs and tariffs, currency and the debt.

You can see where the advantages are here. We defend them, manage the borders, give them our credit rating, pay for their debt. I mean, it is ideal for any province. If somebody came out and said, well, Manitoba, we have a deal for you. We will let you send Members to the federal Parliament. We will give you our currency. We will pay for your debts. We will do everything, and you will have all the power. Of course, we would say this is a good deal, because it is. It is just not a very fair deal. Where do we get the money to pay for the debt, which we retain under the federal powers—where do we get it, when all the spending authority has been given away?

I find that Jean Allaire's report is a fairly narrow view. It is fairly poorly thought out. You really cannot run a country that way. Last week, Claude Ryan, who is a Minister in the Quebec Cabinet, really went a way to think out this view that he really thought that federalism, the full benefits of federalism, had not been given a chance. Hopefully the next ones will be more realistic even if this is a so-called more federalist view.

* (0950)

What justification does Allaire give to transfer these powers? I mean the original five demands had some justification behind them, for example, to protect Quebec's language, to protect their culture, their way of life and everything. Now we have somewhere between 30 and 40 demands with, as far as I can tell from the media, no such justification. There is no protection or promotion mentioned at all.

It seems to me, to move on a bit, that it seems that this situation right now is just a boon to separatists, to Pequistes, Mr. Chairman. They seem to be striking while the iron is hot and Quebecers are to some extent

justified, angry, they are frustrated, but they feel rejected, and the separatists see their chance, they can capitalize on the feelings to exploit them.

Sovereignty right now is a motherhood issue in Quebec. Polls indicate somewhere between 60 percent and 70 percent of Quebecers are in favour of sovereignty, but when polls ask the same question are they in favour of separation, the numbers are lower.

No one has really defined sovereignty. It can be as strong or as weak as one likes. It could be argued that the separatists were the ones who killed Meech Lake. I mean, Lucien Bouchard, by resigning from the Cabinet, forced Mr. Bourassa not to compromise on the Charest report. Obviously the separatists wanted Meech Lake to fail. They wanted Quebec to feel slapped in the face, rejected and willing to separate. They are laughing all the way to the bank right now.

I believe that most Quebecois would prefer to remain in Canada if they had that option. There are certain advantages that Canada offers them, but they feel I believe that they have no choice, that they feel rejected, that they are feeling pushed out. In some ways, the media could be held to account for this. If you take the incident in Brockville where a number of English rights activists trod over the Quebec flag—and this incident took about 10 seconds, and it was repeated again and again and again in the Quebec media. It cast, along with other things like the Sault Ste. Marie incident, Anglophones in the rest of Canada in very bigoted, racial stereotypes. We are really not like that.

It has been said that the rest of Canada does not understand Quebec. This may be true to some extent, but on the same side, Quebec does not understand the rest of Canada either. I give the example of a student I met last week. We were discussing this issue, and he was quite struck when he went to Quebec last summer, and they found out that he was from Manitoba. They were quite surprised, they were asking him, why do you hate us, and such questions like that. They really had a feeling that we are really hostile towards them out there, and I do not believe that many of us are. I do not think that any of us really have any hostility towards Quebec or vice versa, but there is a huge gulf that has to be bridged between us. There is just a lack of understanding that we have to compensate for.

As I said earlier about the Allaire report, I argued that any demand for the transfer of powers to the province of Quebec, for example, there really has to be some justification to it. Unfortunately, under the Allaire report, there does not seem to be any justification at all. They cannot for example argue that they need all of these powers, some powers such as the environment for promotion of Quebec language and culture. On that, I mean Quebec's culture in Canada has survived and flourished. It grew from about 60,000 settlers in 1759 to about 6 million today. They are rapidly becoming a cultural giant.

You can look at the films of Denys Arcand, for example. Why do they need all these powers? How will an input in the post office have anything to do with protecting their culture? I really believe that politicians, in this case, are really playing on the emotions. They really should not do this. They are playing on emotions, manipulating the frustration with the system to grab more and more power for themselves. I hope Members of the task force, when they consider what to do, do not fall into the same trap as British Columbia has, for example, of "Me too, me too, I want my share of the pie." It is really childish. We really have to take a broader view.

Honestly, I think Quebec has survived and done well by staying in Canada, above all. I mean, one could go back to the Plains of Abraham, but nothing would have changed really. France had little interest in its North American colonies. Had Quebec joined the American Revolution, as they were invited to do, they would have been assimilated rather quickly. Over time, during the 20th Century, during times of Depression, for example, over a million of them—a million Quebecois—immigrated to the United States trying to find jobs, and they were assimilated.

Quebec, in Canada, has thrived, has flourished and has become a cultural giant unto itself. They are hardly suffering in Canada. They were never forbidden, for example, to use their language. They were never told that their culture was wrong. They never had their children taken away to be assimilated in boarding schools and foster families.

If you want an example of assimilation of threat to culture, look at what has been happening over centuries to our aboriginal peoples. Over 93 percent of Native languages are in danger. Compared to that, Quebec is doing quite well.

Mr. Chairman, one of the problems I think we have in this country—and this may not have much to do with constitutional reform, but it does have something to do with the fabric and the unity of our country—is

that we have problems defining what Canadian culture is. This is something that really surprises me a lot, because we seem to be lost in a mist, thinking that we have no Canadian culture to begin with. That is really not so.

You could take a look, for example, at some of the amazing things that are happening in Quebec. You are saying, well, no, that is Quebec culture. My mother, for example, has some Inuit art. No, that is not Canadian culture, apparently; that is Inuit culture. The problem is that we keep segregating our culture and that is symptomatic of what we are doing in this country. We keep thinking, no, this is not Canadian. This is part of Quebec, or part of Manitoba, or part of Cape Breton, or whatever. This is all Canadian. We just have to stop being exclusive and start being inclusive.

There is also an argument of the problems of bilingualism in this country. This is also something cultural. It is said that perhaps it is dividing us, that it is a waste of money. I do not think so. I think, although it does not seem to be working right now, it is really something we have to do, official bilingualism. It is something where you have two language groups. You have 7 million Francophones and 15 million Anglophones, and they are here in this country.

If we want to maintain the unity of this country, we simply have to do it, because you cannot have one group locked away in one section and not free to travel, and not free to feel welcome in the rest of the country. That is another problem. We have to feel welcome in the entire country. In Quebec and in the rest of Canada, we should be able to speak in one of the two official languages.

As it stands now, we are under the gun. The clock is ticking away. The Allaire report suggests that if a deal is not worked out by 1992 time is up. It is sovereignty association.

* (0955)

What are we going to do in this case? Some have suggested that we decentralize the country to the point of the Allaire report or somewhere in between, a negotiated middle perhaps, to keep everyone together. Some have said: well, enough of this, we have had enough of all of this constitutional wrangling. If they want to leave let them leave.

I disagree with both of them. I cannot accept a decentralized country. We have seen the Allaire report. We have seen reports of Mulroney ordering his civil servants to go and see what should be kept and what should be given away. We have heard the British Columbia Government's report or offer that they wanted whatever Quebec wanted. We have seen cuts to the CBC. We have seen cuts to Via. Everything seems to be tending towards decentralization, and this really bothers me.

Everything that seems to hold us together is being cut away or being pulled away, and we have to resist that trend. We have to keep this country, give it some bonds. We have to give it some life, something to keep it together.

Unfortunately, no one is really speaking out for that. No one is really saying this is wrong. We have to keep it centralized or some degree of significant power in the federal Government.

Well, it is a question of either we fragment the country or we go without Quebec. I cannot accept that either, I cannot. Quebec, well, we have to have someone to speak out on Canada's behalf. Historically we have always had problems in this case. Take Louis Riel in 1870 and 1885; the Manitoba schools' question, 1890; the conscription crises in the two world wars. We have always had these problems, and each time they came up they seemed to threaten the very fabric of the country.

As we are entering another one now this is a crucial time for us, but is very important that none of us give up, that none of us say, enough, I cannot handle this any more, this country is not worth it, we have to just break it up.

I am not willing to accept that, Mr. Chairman. I want this country to stay together. I would like to see this task force, this Government stand up and say: yes, we want Quebec to remain within Canada, yes, we want a cohesive unit as a country. We have to speak out on Canada's behalf, and I think that Manitoba is in a very good position to do so.

That basically is my presentation. If there are any questions about what I have said I would be more than willing to answer them. Thank you.

Mr. Chairman: Thank you, Mr. Crowe. Any questions?

Mr. Oscar Lathlin (Member for The Pas): Sir, I would like to thank you for your excellent presentation this morning. I would like to thank you for taking the interest to appear before the committee to discuss Canada's future. Obviously you, yourself, are very concerned about Canada's future.

You say you want to hold the country together somehow, however that can be done. We have been listening to well over 100 submissions now, and some of them say that the reason this country is not bound together or is not unified is because of multiculturalism. We have too many special interest groups. So some of them are saying that everybody should be treated equally no matter who they are. That way there is nobody trying to pull it apart, like the French, the aboriginal people and so on. What are your views on that? Could we still have multiculturalism and yet at the same time glue this country together, as you put it?

* (1000)

Mr. Crowe: Well, one can have unity without suppression. One could take the example of some despotic Governments where free speech was suppressed because it was seen to be impinging on the unity of the country. This is also something like that. To say that someone's individual culture should have an impact on the unity of the country, I mean, someone's culture should not be a political issue. It should be part of that person; it is part of the person. We have to, of course, stop saying that you are French and you are Ukrainian and you are this and all of that. I believe that we are just Canadians and if we are aboriginal Canadians or we are French Canadians, this is good, I am happy, but I do not believe that we should pit ourselves in confrontations over something like that.

Mr. James Carr (Crescentwood): Thank you very much, Mr. Crowe, for a thoughtful presentation. What I gather from listening to you is that you like things more or less the way they are. You think the country works. You think that Canada is good for Quebec. You think that Quebec enriches Canada.

I am wondering if you believe that the country has reached a point where it has to rethink some of its fundamental characters, some of the institutions that govern us. I very much want to know your opinion of reforms to the House of Commons, whether you believe that we ought to move towards some other kind of way of electing our representatives, perhaps proportional representation. Do you believe the Senate is working? Should we abolish it? Should we elect it? I would be very interested in knowing, generally speaking, what kind of institutional reforms you think are necessary, or do you think that really nothing at all should be touched?

Mr. Crowe: I agree with you there. It is not the country that is really the problem or the division of powers. It is the institutions themselves. People right now are frustrated with the country, but it is more with the way, for example, the federal Government is operating, or the way we amend our Constitution. These are the problems that need to be addressed.

We might, for example, try a Triple-E Senate. I have no problems with a Triple-E Senate. For divisions of powers between the House of Commons, we might try giving the Senate a veto to be overridden only with a two-thirds vote from the House of Commons. That is one idea. We might want to institute a recall for M.P.s to force them to be accountable to their constituents. A recall would also do something to loosen Party discipline. For example, if you were a Member and you know that if you do not vote a certain way, your constituents will recall you, you will probably vote that way. It is something that would have probably made a lot of Alberta Conservative M.P.s a little nervous over the GST.

* (1005)

For example, under constitutional amendments, we might institute something like the initiative process where you would have petitions to a certain Legislature of the federal Government or the provincial Legislatures to have a particular constitutional amendment debated. I do not want to see executive board meetings every time we try to amend the Constitution. If this was the private sector, we would be hitting them with anti-trust laws, but it seems to be perfectly okay when we amend the Constitution to have everyone behind closed doors. So, yes, a lot of things need to be changed in the systems of Government but not within the country.

Mr. Chairman: Are there any other questions? Thank you very much, Mr. Crowe.

Ms. Alice Steinbart.

Mr. Roger Barsy. Good morning.

Mr. Roger Barsy (Private Citizen): Good morning. Thank you for extending the hearings to this extra day, to give us a chance to talk to your committee. I have a written presentation, and I am open to questions after.

I recall reading an article in a university course on French-English relations in Canada that I took commenting on Bishop Tache's dream for French-speaking Canadians in Manitoba. The article, by a historian called Silver, told about the enormous effort by Bishop Tache in the late 1800s in Manitoba

to have Quebecois migrate to Manitoba to live instead of immigrating to the United States.

Apparently at that time Manitoba was populated by many French-speaking people. In fact in 1870 postage-stamp Manitoba population was at that time comprised of mostly Native and French-speaking people.

After the execution of Louis Riel, contends Silver, Tache's dream died. It seemed that Tache could no longer persuade French-speaking Canadians that they were safe in Manitoba. While the harsh suppression of the Metis by the English Colonel Garnet Wolseley played an important role, there is no doubt that economics, the influence of the church in Quebec and the traditional animosity between France and England contributed to the rapid decline in French settlement in the West.

It seems that historians agree on one point, that this was a watershed in Canadian history. In retrospect, the lack of an effective French-speaking force beyond the Ontario-Manitoba border has limited the acceptance of French as an official language in Canada.

W. L. Morton, historian, chronicles the demise of dualism beginning with the ineffectiveness of the church to save Riel and ending with The Manitoba Schools Act in 1890.

Surely, Manitoba and Canada would be strikingly different today if Manitoba, a centrally located province, would have embraced the French-speaking Canadians to share the West.

There are many events, such as the crushing of the Metis Rebellion, that one can cite to show how English-speaking Canadians developed, maintained and practised a behaviour modelled after many of Canada's first politicians, which amounts to a policy of containment.

In Manitoba, two further outputs of this policy can be witnessed to the school's question, the outlaw of French as a basic language of instruction, and the educating of Natives through the residential schools program.

Attempts by both Natives and French-speaking Manitobans to secure their rights have met with marginal gains. The struggle to have French recognized as an official language in Manitoba has come only after a long and bitter court initiative. Natives in Manitoba have only recently received public support for their desire for a dignified inclusion into the Canadian Confederation. The court case involving the acquittal of the Marlborough Hotel in the early 1970s, despite a management memo instructing staff to prohibit Natives renting rooms, is a searing indictment on white man's justice.

Canada and Manitoba have democratic systems of Government. It seems to me that if the essence of "people rule" is participation, then exclusivity diminishes the principle. Canadians and Manitobans must now confront themselves on whether or not to allow special and equal participation of Natives and French-speaking Canadians in their macro political system. To continue the policy of containment against recognizable peoples can only bring one result—struggle. Given the choice, those people so contained will always seek to break out.

The Canadian Political System: Canada, unlike other countries that are more homogenous—and I mean in culture, as well—has two major political Parties that are dysfunctional. They must serve both provincial and national interests. On the language issue, for example, the Conservatives on the national level are seen as promoting nationalistic Francophone policies, while many provincial Conservative Government are promoting a weak bilingualism in English Canada and a strong bilingualism in Quebec. This dysfunctionalism on culture and also economic issues makes it nearly impossible for national political Parties to aggregate and then articulate a policy that reflects the grass roots. It is often left to the so-called fringe Parties to speak the things that national Parties refuse to say.

There is a strong centrifugal force in the Canadian political system that has rendered the system incapable of harnessing the grass roots.

Canadians in many ways default in their decision-making process to what they do not want. This characteristic only serves to extend the policy of containment. In order to break this syndrome, a vision of Canada must be aggregated from the people. It must be a vision that includes, not restrains, the Native and French-speaking people. We must give them assurances that their legitimate aspirations can be included in Canada.

* (1010)

Any good mediator—and you know this, Mr. Fox-Decent—knows that any good agreement that will stand the test of time must address the underlying causes of the dispute itself. If Canada is to continue as a nation, Canadians must address the underlying causes of the present dispute.

One of the underlying causes relates to economics and geography. As Larry Pratt has so effectively pointed out in his study of Alberta, province building works against national aspirations and nation building. The protracted battles between the feds and the provinces over funding, trade, federal Government contracts, let alone the penchant for provinces to outbid each other for industries, makes for a strange sort of economic relationship. It has been stated that the Canadian relationship is largely an economic one. I would say that, if it were so it were a grievous fault, because the breakup of Canada would have consequences beyond not having Quebec to push around any more. Say good-bye to any form of world economic leadership. Our G-7 card would be pulled. Investors would not find purchasing bonds floated by our Governments nearly as attractive as they do now.

The Canadian political system is in need of reform. Exactly what must be done is literally up for debate. The three major political Parties—the NDP's win in Ontario now makes them major—need to establish a nonpartisan initiative to aggregate the wishes of the people. The people must be heard directly on whether or not their concept of Canada includes sharing it with the French-speaking founders of Canada and with the aboriginal Canadians.

Canada was founded not by revolution against rulers, or by plebiscite or vote, but rather by executive decree. According to historian Don McLean, Canada was founded out of commercial interests in Montreal and Toronto, and the framework of the British North America Act had little in it to set up a free and democratic society. Unlike the American Constitution, the British North America Act contained no provision to guarantee the rights of the common people of the colony.

Canadians were never given the opportunity to express in any grass-roots way the values they wanted expressed as a nation. If the major peoples at the time of Confederation, that is, the French, the English and the Natives, all had their aspirations expressed, Canada would be engaged in a struggle of attainment rather than containment. In order to build a nation, we should put on hold a couple of years any notion of a Triple-E Senate or constitutional reform.

Just to go away from my notes for a minute, you kind of wonder who has asked for a Triple-E Senate. Have the people asked for it? Are we just adding another layer onto our method of governing? I think the people should be consulted before we come up with notions that add on to a layer of a system that is already quite frustrating.

Instead, we should direct the national Government to take aim at the political system and how it presently operates.

Turning up democracy a notch: It is no longer sufficient to make laws and policies based on placating the voter syndrome. Campaigning for power without the active involvement of the public in the decision-making process creates a consumer-supplier relationship where each group seeks to modify the other for gains, either in tax breaks, services or programs. Since Canada as it is now structured was not created to accommodate modern democracy, it is time to create a new reality that reflects the aspirations of the people.

The hopes and values of Canadians must be gathered. It is no easy task. The apparent apathy of Canadians to the crisis in the land is nothing short of appalling. Canadians somehow do not have a feeling of ownership of the problem. One major reason is they feel excluded from the process. The defeat of Meech Lake was a victory for common people, not because of Quebec, and I do not think people want to frustrate the legitimate aspirations of Quebec. I think it is because they now have a second chance to be consulted in the shape of the 21st Century Canada. Democracy is only well served when the public participates in the governing process, and Canadians must be given new ways to increase that level of participation.

The first obstacle to participation is the closed-door nature of public decision making. While freedom of information legislation is helpful, it is only a start. The public has the right to know not only what is contained in files, but also the criteria on which public decisions are made. The public must know the parameters of the basis of decision in order to have relevant input. I am sure that most Canadians would be surprised to know the vast range of decisions made on simple criteria, while other criticism missed the point in a sea of irrelevance.

New political standards are needed. It seems that the rating of politicians is at an all-time low. Part of the problem is related to double speak—say one thing on election day and say anything else after you are elected. Politicians who make their case clearly before the public and later implement almost opposite programs should be stopped from doing as they see

fit until their four years are over. If a campaign is against wage and price controls, for example, then Governments should be forced to go back to the public on the issue or achieve some form of parliamentary consensus.

The list of needed reform can go on and on: conflict of interest, patronage, pocket-lining, power politics, all of the things that frustrate the common voter with the political system.

In conclusion, I feel Canada must change in order to survive. The existing structure was born out of the realities of the 18th Century: American dominance, British influence, economic adventurism. The new realities are Quebec's—and substitute French-speaking Canada for the term Quebec—aspirations; Native respect, western and Maritime alienation; Ontario's historical domination due to the population size; and also the global marketplace.

Balanced regions seem to be a logical place to start towards restructuring the country. However, before any changes are advanced, the executive branch of the Government owes it to the people to listen hard on how and by whom they want to be governed. Thank you.

Mr. Chairman: Thank you, Mr. Barsy. Any questions? Mr. Enns.

Hon. Harry Enns (Member for Lakeside): Mr. Barsy, I note that on page 2 of your brief I think you make a regrettably accurate statement when you say that the apparent apathy of Canadians to the crisis in the land is nothing short of appalling. I am wondering whether you would subscribe to the idea that perhaps one of the reasons for this apathy derives out of the fact that a majority of people in this province, a majority of the people in western Canada, do not consider themselves and do not in fact come from the founding nations, the English and French groupings, which you correctly allude to as being some of the systemic problems of our Confederation, and feel alienated or left out of this great Canadian pastime of constitutional discussion.

I make that observation because you do the same in your presentation. You make reference and bring us back to 1867 and the root cause of some of our dilemmas. Nowhere in your brief do you acknowledge that a majority of Manitobans—I believe probably a majority is represented on this committee—do not consider themselves as coming from either English or French stock, and so that argument is somewhat lost. In fact, we came to it, to this country with hope and for different reasons. For one reason, to build a better country. It seems to me that when politicians, when scholars and others debate this issue, we make that omission rather frequently, and I am wondering whether or not this does not simply build to that alienation that, particularly in western Canada, growing numbers of Canadians feel that this process has not touched them in some way.

The same cannot be said, I would say, demographically speaking, of other parts of the country, Ontario, Quebec, of course, and, I think, the Maritimes, where those traditional groupings of people have remained somewhat constant, but certainly western Canada is quite different in that respect.

Mr. Barsy: Well, in response to your observation, Mr. Enns, I think that a lot of the alienation is really one of process. I think that if we find ways to exclude the people, then they are going to be alienated. If we find ways of removing the chairs and boxes so that they can get to their goal, so they can achieve certain of their aspirations—I could stand to be corrected, but I do not think an awful lot of the people, other than when I am talking about the identifiable groups such as the Natives and the French who came here as a very cohesive group, and the Natives especially were here. I do not think they came, a lot of the immigrants came, here to change the character of Canada. I think they came here for opportunity, for economics, and I think they want their aspirations to be achieved within a fair system. I think that they feel, and this is part of the centrifugal force as it happened in this country, that we are dominated by certain kinds of regions.

* (1020)

In many ways, a lot of their feelings of frustration, I think, are displaced as being ethnic ones when they are really probably economic ones. We are dominated. If you look at the tariff structures on the freight rates for many years, just an example of the sort of colonialism that flowed out of the East. I think that these things are as much contributing factors to this alienation that you talk about, but your point is well taken.

Ms. Jean Friesen (Member for Wolseley): It seems to me that your recommendations are falling into two groups. One is a move to a much broader sense of participatory democracy starting with freedom of information and moving on from there, and those are interesting. Those are the ones I think that we have

also heard a variety of presentations on. The second area that you are interested in is a restructuring of the regions, and I wonder if you could expand on that a little.

Are you suggesting a move away from provincial boundaries, the creation of different kinds of allegiances? Would this be at the expense of a strong federal Government? Or how do you see the powers of these newly restructured regions working?

Mr. Barsy: Yes, I do think that we have to restructure. I think that, unfortunately, with all due respect to Prince Edward Island, it seems to have an inordinately powerful position in the Confederation. In order for groups that are together, in order to balance off against identifiable regions right now, and the two identifiable ones are Ontario and Quebec, we have to look at some new form of restructuring of the provincial boundaries.

I think that poses one great challenge, because I think the aboriginal people have to be included in that kind of process. They need some form of self-government that is going to be effective for them, that is going to allow them to participate and not necessarily be swallowed up by one of the regions or be fractionalized by part of the regions. I think that is a problem. It is problematic. I do not know what the answer is, but it can only happen through listening to more people, and to finding out what the people want, and then trying to bring some sort of a policy.

That is the challenge of the political Parties in Canada today actually. If they can get out there and listen to what the people want, and not talk one thing in Quebec and one thing on the reserves and one thing in the rest of Canada, then we are going to have a chance at national consensus.

To talk to your other question about a central Government, I think you need a strong central Government, but the strong central Government has to be seen as protecting the aspirations of the legitimate peoples of the country. If it is not, it will rise up again like any flaw in a mediated agreement, it will threaten the whole thing, and it will come crashing down. I think it needs—what powers? I do not know exactly. Those again we have to try to find out, we have to bargain, but we have to be willing to go through this painful process if we think it is worthwhile, and I, quite frankly, think it is.

Mr. Carr: Mr. Barsy, I am interested in your phrase, "turning democracy up a notch," but as I read through your presentation, I am not exactly sure what you mean. Do you mean that there ought to be a constituent assembly that precursors any decision on constitutional change? Do you mean that there ought to be a referendum to approve what elected officials recommend? You say no to a Triple-E Senate. How are you going to create some kind of regional balance? Do you want changes to the House of Commons? Just where is the match that is going to result in "turning up democracy a notch?"

Mr. Barsy: Well, I guess maybe I am talking more fundamental than some of the things that you mentioned, Mr. Carr. I think that somehow the public has to be able to feel that they are free to participate in public decisions. Now, referendums, that is one way, but I do not think that is necessarily the best way to resolve or to govern the public. I think that those kinds of things are basically designed in order to crystallize issues, in order to get people to decide which way you are going to go in terms of a very definite kind of a policy.

Many of the decisions that we make, either in terms of agricultural policy, our policy on natural resources, our policy on education, these decisions are made in board rooms, behind closed doors. The public do not know what the basis is that the decision is made upon. Is it made upon economic factors? Is it made upon ethnic factors? Is it made upon . . . ?

When the decision comes out, there is generally just sort of like, what popped out of the box. I think that they want to know what is being considered so that these will be the parameters, this is what you will consider when you are going to come to a decision. Do not say, okay, we are going to be talking about all of these kinds of things, and behind it there is a hidden agenda. You see it on school boards all the time, they get thrown out, in and out, because of all these kinds of things that go on.

It is difficult, it is not easy to open these things up. People are defensive, and people feel that they do not want to be needlessly attacked. I think that if we say that these are the ground rules, these are the criteria on which this decision is to be made, and everybody can then give their input into it, I think they will feel better about the process.

Mr. Carr: Thank you.

Mr. Chairman: Thank you very much, Mr. Barsy.

Mr. Barsy: Thank you.

Mr. Chairman: The Native Media Network, Peter Kelly-Kinew? Mr. John Cardosa? Laura Holden.

Ms. Laura Anne Holden (Private Citizen): I was not quite ready, but—excuse me.

Mr. Chairman: Just take your time, Ms. Holden. We have your written presentation, thank you.

Ms. Holden: Thank you for the opportunity to speak to the task force, Mr. Chairman. I asked to make a presentation because I am something of a Cablevision junkie. I am not sure that makes me an ordinary Canadian, but I did follow the Meech Lake debate thoroughly and made some observations which I hope will be of value to you.

My overall assessment of the Meech Lake debacle was that it a was divisive and unproductive exercise with the notable exception that it raised the consciousness of many Canadians about the place and unresolved issues.

* (1030)

My overall assessment of the Meech Lake debacle was that it was a divisive and unproductive exercise, with the notable exception that it raised the consciousness of many Canadians about the place and unresolved issues of our aboriginal peoples.

It seemed ironic to me, yet perfectly fitting, that one lone aboriginal voice saved this country from embarking on what certainly looked like a disastrous course. The Meech Lake Accord was doomed from the outset by inflexibility. The Prime Minister meant what he said when he first presented the Accord as a fait accompli to the House of Commons. What might surprise a lot of Canadians who are understandably disenchanted with their politicians at this time is that the Opposition Parties did offer amendments that addressed most, if not all, of the concerns that were later raised about the Accord in that first parliamentary debate. Of course they were all rejected out of hand as the Prime Minister had vowed that they would be.

What disturbed me most was not the futility of what followed thereafter, but the climate and tone in which that debate was conducted. It was a climate of blackmail and threats, of ultimatums, of pettiness and predictions of certain disaster. To describe it as either a civil or responsible discourse is to be generous indeed.

The language bandied about was certain to raise the ire of Canadians. It seemed as if everyone voicing opposition to the accord was labelled a bigot, anti-Quebec, anti-Francophone, depicted as rejecting Quebec and Quebecers. This was not just blatant sensationalism and a distortion of the truth. This summary dismissal meant that these voices went unheard along with the validity of their arguments.

This is for you, Mr. Enns. I personally cringe every time I hear the term "English Canada." Multiculturalism is not a Government policy, but a reality of Canada. The fact that Canadians outside Quebec use the English language as a common denominator to bind our communities and commerce together does not negate our diverse heritages. When we are all lumped together like that in a block under the term "English Canada" as if we had direct ties to mother England and this was a dispute between Upper and Lower Canada, I have to wonder if Quebecers actually perceive us that way.

In any case, I do not think we should underestimate the power of language. The defensive impasse we have come to in this country is in no small part due to a failure of communication, as I note other presenters have said to you.

I mention these points because I fear that history is about to repeat itself, that the tone, climate and framework of the debate have not appreciably changed. I fear that this new round of talks will be just as unproductive and even more divisive. Not enough time has passed. The major players have not changed. I hope the Manitoba Government will not feel compelled to adhere to the agenda and timetable laid down by Quebec and/or the federal Government. The evolution of the Constitution is too serious a matter.

To be fair to Quebecers who have legitimate aspirations, I believe that Brian Mulroney is the architect of this distorted and unworkable process. In failing to deal with Quebec as the guardian of the rights and interests of the country as a whole, he has managed to be both an unmitigated failure as a mediator and an unqualified success as a troublemaker. The absence of leadership at the federal level has been eloquently expounded by many of the presenters, so I will not go on about that.

I will say that I believe the Manitoba Government is being called upon to fill that vacuum, to show leadership and, above all, to display integrity and courage. I sometimes wonder if Canadians outside Quebec are being inhibited by good intentions and wishful thinking, because they sincerely do not want to see Quebec leave Canada. It may be an illusion to suggest that we have any real influence on that decision. Quebec already seems to have disengaged itself. It is no longer at the negotiating table. I think we

should take them seriously when they say that they will only deal with the federal Government on a bilateral basis and indeed they are proceeding to do just that.

What then is left for the excluded provinces to do? I pray that they will not rush to reach similar bilateral agreements, buy into the Mulroney plan, as it were. It will take courage and integrity to resist this trend not to succumb to the opportunity for more power and autonomy, but it must be resisted for the greater good. I know that sounds dramatic, but you have heard many thoughtful and learned presenters outline the implications of the dramatic decentralization of this country that seems to be the Prime Minister's version of constitutional reform.

I believe that Manitobans expect their provincial Government to vigorously oppose Brian Mulroney's vision of this country. I think it would be tragic if Quebec left the Canadian family, for us and for them, but I think it would be an even greater tragedy if the rest of Canada were dismantled in the process.

When I say oppose the Brian Mulroney version of Confederation rather than offer a better alternative, I am being quite deliberate. I think we must stop the forces already at work to undermine Canada as a strong federation before we can worry about what a new and improved constitutional arrangement acceptable to the clear majority of Canadians might look like. I do not know exactly how you can stop Brian Mulroney from making these insidious side deals. Perhaps a court challenge would be possible. Surely there must be some legal way to prevent bilateral actions that impact on other provinces or the federation as a whole. I speak with a sense of urgency, because I think that the situation is urgent.

On a lighter note, I would like to say that I believe that this country is much more resilient than the doom-and-gloomers give us credit for. We are a country rich in human connections. Most of us have family, friends, and business associates dispersed throughout Canada. We are a small population in a large country in a mobile society. Many of us have lived and worked in more than one province. This, I think, as much as our common currency, economic ties, political institutions and social programs binds us together as a people, as a nation.

I was reminded of this by a brief chat that the Minister of Justice (Mr. McCrae) had with one of your presenters the other day about both of their families being from the same area, a small rural community in Alberta, that this was an overlooked factor in what elusively binds people together in this country.

I also remember when I lived in Toronto some years ago, it was a standing joke that it was very hard to find anyone in Toronto who had actually been born there. I do not know how much truth there was to that, but it is a characteristic of Canada that I think has an overlooked value.

Since I have more time, may I just continue? I would like to say something about what it means to be a Canadian. I am many generations Canadian on both sides of my family, but I would not like to think that gives me any more status than the immigrant who came here yesterday from the Philippines, Lebanon or anywhere else. I do not believe in a hierarchy of Canadianism.

We envy the Americans, their sense of patriotism, and I think sometimes wonder at it, because the United States is by no stretch of the imagination a truly egalitarian society, but that does not seem to prevent Americans from believing that it is; that there is really life, liberty and the pursuit of happiness for all.

I wonder that if all Canadians cannot believe that there is no inherent barrier in this political system to the realization of their personal dreams and goals, then perhaps our democracy does need to be renewed, refocused and revitalized.

* (1040)

In any case, I note that you have been considering this rather elusive topic from time to time, and I think it has some value. Perhaps we can find in this exploration of the definition of citizenship an understanding for the position of Quebec. Perhaps they genuinely feel that their personal potential cannot be fully realized within the larger Canadian context, just as our Native people feel they cannot realize their potential within our present political structures. I do not think it is a question of loyalty as much as a sense of identity, and I wonder if a sense of nationhood is not really in the final analysis a very personal thing that cannot be defined in a Constitution or in a preamble to a Constitution, that we actually all experience a sense of nationality in a very individual way.

Thank you very much for your attention.

Mr. Chairman: Thank you, Ms. Holden. Questions? Ms. Friesen.

Ms. Friesen: Thank you for your presentation.

Ms. Holden: You are welcome.

Ms. Friesen: If we put on one side the major and most significant issues of aboriginal peoples and self-government and Quebec, the rest of your brief has depended upon an analysis of the last four or five years for its discussion of the difficulties Canada finds itself in. I wonder if that was deliberate.

Do you, for example, believe that it is the events of the last four years and of one particular Government that has led us into this major reconsideration of Canada? What I am getting at is, is it the institutions that are at fault, or is it the way in which they have been dealt with in the last few years? Should we be looking at major restructuring, or should we be saying, this Government will pass, or this particular philosophy will pass?

Ms. Holden: No, I think that a lot of circumstances have converged in the last four years to bring a lot of simmering problems to the surface. I do not think that anyone would deny—well, perhaps a few Conservatives, you will forgive me—that the Mulroney Government has exacerbated the situation. No, I think it has a much, much broader and longer historical context than that.

I was interested in when Mr. Enns was talking about alienation in the West, because I study history at university, and I think an understanding of the particular history of a region is very valuable in balancing the interests of regions. We are the reason that this country goes from sea to sea. When I say that I do not say to point a geographical fact, but because when Canada was first formed and they bought this territory, this great northwest territory from the Hudson's Bay Company, they had absolutely no way to hold it or defend it. They feared—this is not a new fear, by any stretch of the imagination—that this territory would fall into the hands of the Americans or eventually just naturally evolve in that direction, because the north-south ties were natural, and the great shield over the northern lakes was a very real barrier. So you know, they took two very concerted steps, and one was to actively recruit immigrants to settle and occupy the West for Canada, and sometimes they fudged a little on the topography and climate and how much of a living you could make out of a section of land, but we came in our hundreds of thousands and we settled this land for Canada.

The other, of course, definite concerted thing they did was to drive the railway through that Shield and then, as so many people have pointed out to you, adjust the freight rates so that for many years thereafter we would continue to pay for that engineering feat.

My point is not that we have real regional grievances, my point is that I do not think any region of the country has made a greater contribution to the country, to the development of the country, to the definition of the country, to the content of the country, than any other. When we speak of regional disparities and regional equalization of concerns, whether we talk about it in a Senate context or any other, I think we must bear that in mind. I do not know if I answered your question, I am sorry.

Ms. Friesen: I think what you are saying is we should take a longer historical context, and not just look at the last few years, and that yes, there is a need for a rebalancing of regional interests.

Ms. Holden: Well, I do think, Ms. Friesen, that we have come to a point where all of these forces have converged and something must be done. As I say, I do think we are at a very critical crossroads in our Canadian history. As much as I would like to, I cannot lay all the blame at Brian Mulroney's feet, I am afraid.

Ms. Friesen: Thanks.

Mr. Chairman: Any other questions? Thanks very much, Ms. Holden.

We are going to take a break now, ladies and gentlemen, and we will be back in about 15 minutes to hear the remainder of the presentations that we have on the list for this morning. Thank you.

* * *

The hearing took recess at 10:44 a.m.

After Recess

The hearing resumed at 11:04 a.m.

Mr. Chairman: Are we on? Okay. For those of you who may be watching on Videon Cablevision, ladies and gentlemen, good morning. We will be resuming our morning session very shortly. We have a few more presentations. This is our last day of presentations in at least this round to the task force. We appreciate your presence as viewers this morning, and I suspect some of you may have been following us over the last few days, and we very much appreciate your interest in the process.

Ladies and gentlemen, we are now formally resuming the morning session. I would call on the next presenter, Sharon McDonald.

Good morning, Ms. McDonald.

Ms. Sharon McDonald (Private Citizen): Good morning, Mr. Fox-Decent.

Mr. Chairman: Do we have a written presentation from you?

Ms. McDonald: No, you do not, this is only an oral presentation.

Mr. Chairman: That is fine, just proceed whenever you are ready. Thank you.

Ms. McDonald: Thank you for the opportunity to be able to present to the Manitoba Task Force on the Constitution.

I would first like to set briefly the context for my presentation to say that I am a private citizen, and I present as that. The thoughts and words that I present here are merely my own, though I think to some extent they may reflect what other Canadians think. My remarks reflect my heritage and my experience in Canada.

I am a first generation Canadian. My parents chose Canada. They retained certain aspects of their heritage, but came here, as they expressed it to me, to build for themselves and for their children a different and better life than in the old country.

I have resided in Manitoba and Quebec. I have lived in northern and southern Canada. I am fluent in both French and English, though unfortunately not totally and completely fluently bilingual. I have travelled extensively inside and outside of Canada. I also made the decision to return to Canada and to live here.

I am here presenting today because I am worried about the future of our country, and I believe that many Canadians feel as I do, that the political system is closed currently to the view of its citizens. We have very few avenues and this forum is one of them in which to present.

I also believe that outside of Quebec, and indeed to some extent inside Quebec, that the majority of people in Canada would like to see a healthy Canada which includes Quebec. However, I do not believe that is the reality of today.

Despite the fact that there are more people in Canada who are bilingual, French and English; that more Quebecois speak English; that our young people support bilingualism; that French is now spoken in all major institutions in Quebec; the Quebecois are leaders in their own province; the Quebecois look more prosperous and feel better about themselves and that many of those changes have occurred over the past two decades. Despite all those positive developments in Quebec, and indeed in the rest of Canada, I believe that Quebec will separate and that process has been in the works for two centuries and that it will become possible because it is now economically feasible.

* (1110)

Over the post-war decades, Quebec has, little by little, acquired powers and rights that have placed it in a different relationship to the federal Government or other provinces. That bargaining has taken place behind closed doors, and like the recent changes around last week's announcement regarding Quebec and immigration, like discussions behind the Constitution and Meech Lake, the rest of Canada has not been kept fully informed by the political system.

So what are our options? There are not many, and I do not believe any of them are particularly attractive. However, we cannot have a protracted and ugly divorce with ongoing whiling away of powers to Quebec while other provinces sit and watch become more entrenched in their views; or we can have a short, sharp crisis and an amicable agreement to get on with creating a new Canada and a new Quebec. It is with a great deal of sadness that I have come to the conclusion that Quebec does not want to be a part of Canada. Canadians will not, and should not, opt for a military solution to retaining Quebec in our midst. Quebec may choose to do that with Oka, but I do not believe that that should be supported either.

So I believe it is time to get on with the negotiations because they and of themselves will take long enough and produce enough acrimony in our country.

What are they? What can Canada be without a Quebec? Well, we could join the United States, but that clearly is not an option. Annexation by the U.S. would leave us a backwater with absolutely no ability to control our destiny. We are not Americans.

We could balkanize into 10 nations or radically decentralize, essentially with the same outcome. I do not believe that is an option either.

Federalism has served Canada well, on balance. We have seen many contributions to the overall definition in this country to the federal-provincial exchange. Transportation, health care, development of political Parties and altering political balance have all contributed positively to the lifeblood of this country. When faced with issues of whether it is competing on the international market or addressing issues such as acid rain, denationalizing what

remains of Canada will in no way contribute to our ability to respond to big issues or to allow us to contribute to the global village. I believe that we need a rebalanced federalism. We need to begin very soon to redefine Canada and not through a process of rapid decentralization.

We do need some political leadership. I do not believe that Mr. Mulroney can negotiate in good faith with Quebec on behalf of the rest of Canada. He is inherently biased by his political connection to Quebec and the need to conserve those connections. I am not sure that our other political Leaders are in any better a situation, though Mr. Chretien at least did change the province of his riding.

We do not appear to be enjoying the strongest of support, or leadership, at the provincial level in western Canada which would look to a vision of Canada. Again, however, I believe that most Canadians would opt for a Canada with a strong central Government. I would support a referendum in this if I could trust that the question would be fairly posed. In the political climate of today, I am not confident that the question would be fairly posed. Therefore, we are left with task forces such as this to distinguish between political expediency for power and the reflections of the population.

Regarding the question of the Senate, having said that I believe that we are headed for a Canada without Quebec and that we should work towards a new and rebalanced federalism, my conclusion is that we should have a Senate but if we have it, reform it. If we do not reform it, remove it. Make it a positive aspect of the checks and balances in our political structure, a pleasant alternative to the seat of patronage that it now is. I agree that it needs to be elected. It needs to be equal, but that definition of equal is going to be very difficult. I believe that it should allow the sparsely populated areas of our country to be reasonably represented and to counterbalance the power of the centre. The Northwest Territories with its population of 70,000 people will play a much different role in the future than the 120,000 people in the province of P.E.I. with a much smaller land mass. We have to accommodate those disparities of provincial status and of population distribution.

I think it is reasonable to retain representation by population. The only other alternative we have is to look at the disparities of provincial population and density of population is to have the Senate which is effective.

Indeed, out of the three E's, an effective Senate would be a welcome relief to that which occurs now. The House of Commons should be retained in doing the job that it is supposed to do at this point in time, and there must be some balancing between the actions of the Senate and the responsibilities of the House of Commons.

The question posed by the task force in regard to division of powers, both federal and provincial—it is my belief that the current distribution of powers is probably about right. I am not sure how we could radically change it and make it more right or less wrong. However, what has been unhealthy has been the acrimonious tenor of federal-provincial relationships. Ask aboriginal groups. You do not negotiate with the federal Government. Look at the transfer of payments. The process has been one of federal decision and provincial reaction without recourse.

A new Canada would benefit then from the continuity of many of our national institutions and programs. They characterize our country, have served us well and should not be dismantled. However, we need to establish a more productive federal-provincial relationship.

In my short experience over the past decade, it is my observation that the daily workings of the federal Government have become increasingly irrelevant to the provinces in policy development and discourse. This must be turned around. Federal offloading must stop, and it must stop now.

The provincial Government has to play an active role in re-establishing a better relationship. Movement in this direction is not evident today and appears to continue to be hindered for the expediency of political maneuvering and not on the basis of what is good for Canada.

Regarding the issue of multiculturalism, we have a country with a heritage of many cultures, and they will all contribute over the next hundreds of years in shaping Canada. Rights of expression, religion, politics, et cetera, should be entrenched as I believe they are in the Charter of Rights and the Constitution, but I believe that those who immigrated to Canada in the main did so to create a life that will be different from the one that they left.

We should celebrate our multiculturalism in our homes and our social institutions, but we should build a new Canada with perhaps two languages, perhaps one. We should address the issues of discrimination

and racism, of helping people to integrate and find their place in our society.

I do not support departments in Government of multiculturalism which are and have been used as a means to distribute or aggregate political power. Better we should be putting our energies to absorbing and helping Canadians create an equal Canada with equal opportunity.

Aboriginal rights is an area in which I have some interest. I do believe that we have and should continue to have a special relationship with aboriginal peoples simply by dint of place and time. The indigenous peoples of Canada need our support in their re-establishment of a place in their country. Canadians have not welcomed the First Nations into our midst as equals, and I think that is an understatement. This has to change. Oka of 1990 has forever changed our relationship with indigenous peoples and the sooner we recognize it, the better it will be for everyone.

Aboriginal rights should be entrenched wherever they need to be within our new federalism to allow us to benefit from their participation. The leaders in the aboriginal communities—and indeed many of them have been here to speak to this task force—the ones that many Canadians got to know during Oka—Georges Erasmus, Phil Fontaine, Elijah Harper—sounded to me far more coherent than our white elected officials. They certainly were far more rational and took a more rational position than does Claude Ryan in Quebec, and I believe that they are citizens that any country would be proud to have.

Aboriginal self-government should be supported. Can anyone claim that the Government imposed by the Indian Act and the justice system of Canada have served aboriginal people well? You heard from the Aboriginal Council of Winnipeg of the disproportionate percentage of Indian people in our jails. Perhaps if the justice system reflected more aboriginal values that many whites would opt to be judged in that system.

Having spoken for the entrenchment of aboriginal rights, I must also speak to the necessity for the development of policies in education and other areas to support the First Nations in their re-entry process, their re-entry from a cycle of being disenfranchised from poverty in which they are currently immersed.

We do not hesitate to build penitentiaries near Baie-Comeau, while the federal and provincial Governments prepare to slash programs which are supporting Natives and access to education and to a very different future for them. We call in the army to Oka. Canadian policy does not seem to have evolved very far from the great Depression of the 1930s when the Government cast young, unemployed men into relief camps and brought in the RCMP and armed police to face the unarmed and the unemployed in the Regina riot of 1935. Please, can we not move to a more constructive process?

On the issue of constitutional reform and the amending formula—I find this a difficult issue to discuss. How can we address it until we address the issue of Quebec? Are we defining separation from Quebec or are we defining a sovereignty association? Do we have to redefine the whole Constitution? Why do we not deal with issues as they arise? Why do we not do it in an open forum? Large conventions? I am not sure, but it has to be an open forum.

Why can we not put this issue of constitutional reform towards the bottom of the list of things that need to be dealt with and deal with those which affect us most immediately, like the position of Quebec in Canada? Proposals from other parts of Canada should not be considered and accepted by Manitoba if they contribute to balkanizing this country. The Allaire report is, even in the minds of some Quebecois, a non-negotiable document, so why should we negotiate it? Perhaps the Campeau commission will present a more broad view, but we will be pleasantly surprised to find that to be so.

Finally, let me say that I feel we should be refocusing our efforts on building our nations. Let us help rebuild Quebec. Let us help rebuild Canada, but let us not prolong for another two centuries Quebec's unhappiness. The end result will be the same. The conclusion that we have reached today, that I have reached today, I believe will be the same even though we attempt to retain Quebec in a Canada at no cost. There will be a cost.

I think we have to find some people, some leaders, in the political system who will help us to move forward, and I hope that we can. Thank you.

Mr. Chairman: Thank you very much, Ms. McDonald. Questions? Mrs. Render.

* (1120)

Mrs. Shirley Render (Member for St. Vital): Thank you for a thoughtful presentation. I would like to pick up on two of your comments, one on the Senate. You mentioned that you think the Senate perhaps should be retained and, if so, it definitely should be reformed,

elected. Would you see the elected people as representing certain groups? Some of our presenters have suggested that there should be people representing the North and the South of a particular province. There should be men and women. There should be various groups, various components, in that elected component. My other part of the question is "effective." What do you mean by effective—the same powers as the Senate has now, more powers, less powers, the option of a veto? I wonder if you could elaborate on both of those.

Ms. McDonald: I do not particularly believe that in an elected Senate there should be populations in Canada which are unduly represented or over-represented. I think that if the process of defining the boundaries or the regions from which senators will come, then we will get a representation of aboriginal populations, of people from the North and South, and of men and women. I think that, to some extent, that process is occurring now. If I was going to weight it in any way, I would insist that there be some aboriginal and a special aboriginal weighting to that formula. Otherwise, I believe that it should relate primarily to some geographic formula, whereby all of the country is represented, but represented more on the basis of volume of country represented than number of people represented.

What is effective? Well, I think that is what is not effective is what is happening right now. I think that the appointment—well, clearly if we went to an elected system, we would be away from an appointed system. I think we should look at some of the other countries. Australia has an elected Senate. The U.S. has an elected Senate. I think that we should draw from the experience of some of those and improve on them. The powers? Perhaps about the same, not a veto which is unconditional.

Mrs. Render: I noted your interest in aboriginal concerns. What is your understanding of what self-government is?

Ms. McDonald: I think that there are some parallels between the place of aboriginal peoples in Canada and the place of Quebecois in Canada. I think that to some extent what Quebec is saying is that they want to retain a culture and influences which are different from English Canada. I believe that the aboriginal communities want that same sort of opportunity.

The disadvantage that aboriginal groups have is that they are not aggregated geographically together, and I think that they have to approach the issue. I think it will be difficult for them to approach the issue in terms of separating and defining a separate and different Government. I am not sure that the Government of Quebec will look all that different from the rest of Canada 50 years from now, or perhaps even not 200 years from now. I believe that the aboriginal people would like to have a Government which reflects their cultural beliefs, which are different from ours. Their society is different from ours, and we should allow them to participate in their own Government and management of their affairs. Canada has not been successful in applying a Canada solution and structure to that. The Indian Act is not a useful document in that respect.

I think the aboriginal peoples have to define that. They have to have the ability to define that and the leeway to define that. I think that their justice system would also be redefined, and we have some processes going on to address that.

Thank you very much.

Ms. Friesen: I take a couple of conclusions from your presentation. One is your attachment to a strong federal Government and the other is an attachment to the social programs and equalization that is provided by that strong federal Government. So I am a little curious about your interest in a Triple-E Senate as one way of reforming the Senate. I understand that you said it is not the only way, but it is one option. One of the purposes of presumably a more effective Senate is to check the elected House of Commons and to provide, presumably, the opportunity for deadlock. I wondered how you saw that as enhancing the power of the federal Government.

The second part of the question is, when you give an equalized power to provinces such as, in the current political context, British Columbia and Alberta, who have far less interest in equalization programs than other provinces, how does that enhance your attachment to the strong social programs of the federal Government?

Ms. McDonald: If I could perhaps address the latter part first, I do not believe that I said I would provide Alberta and B.C. with a representation in this Senate which would allow them to carry on with their approaches to decentralizing this country. I think we need a stronger representation from the central Canada and from northern Canada which takes into account some land mass. I suppose, collectively, the West might eventually then—the western provinces,

might collectively then still outweigh the centre in the North.

Ms. Friesen: So you are not quite proposing the Triple-E of two Senators per—

Ms. McDonald: No. I am talking about a different regional aggregation. Secondly, I think the potential for deadlock potentially occurs in all countries where there is a Senate, but there are ways to get around it. I am not sure that some of the deadlocks that we see occurring or that I know of or understand to occur in the United States are so bad. Maybe we should deadlock on some issues. For instance, I think the development during the '30s of unemployment insurance and a safety net for people who are literally starving to death was deadlocked. It was deadlocked by the Prime Minister of the country and a very small group of people, so that any movement we have away from, in my opinion, moving those deadlocks from an office which has potentially a very large majority and move it into another forum, I think is some advancement for this country.

Ms. Friesen: Though it could, of course, block progressive change as well.

Ms. McDonald: It could block progressive change, but that is really the reflection of our society.

Ms. Friesen: The last thing I wanted to ask you about was your opposition to Government-funded multicultural programs. One of the arguments that has been made for these is that they are, in fact, not so much just an expression of funding individual groups, but an expression of the tolerance of Canadian society and of the enhancement of that tolerance in the general public. How would you respond to that?

* (1130)

Ms. McDonald: I think that argument can be made if indeed it is limited to that. I do not believe it is limited to that. I believe it is used for political expediency and at the expense of addressing issues such as discrimination and racism in this province. Far more money goes towards maintaining multicultural images than addressing the very difficult issues that this country needs to get on with.

Ms. Friesen: Thank you.

Mr. Chairman: Any other questions? Thank very much, Ms. McDonald.

Sigridur Stefansson. We will get you a fresh glass, Ms. Stefansson. Good morning. We have your written brief. Please proceed when you are ready.

Ms. Sigridur Stefansson (Private Citizen): My presentation is very short.

First, I believe in a strong central Government. A strong central Government should assure that universal programs will be uniform and equitable for all Canadians, such as medicare and education, but unfortunately the present Government is slowly and surely dismantling the medicare program. The funding in the way of transfer payments has been cut, so consequently the services are reduced. Also, this Government is corporate oriented, so private interests are allowed to creep in for profit. Bill C-69 has just been passed, another blow to medicare.

Second, the Senate should be reformed. The Triple-E is the most equitable. Now Quebec has called for the abolition of the Senate, because they could not tolerate having diminished powers. Also, the senators must leave the House long before the age of 75. Creeping up to that age, they are not functioning at full capacity.

Three, I am against official bilingualism:

1) Because Quebec does not honour it. It has often been said that Elijah Harper prevented the passage of the Meech Lake Accord in Manitoba. Perhaps Bourassa had something to do with it. Filmon introduced a Bill to ratify the Accord, but in the meantime Bourassa had invoked the notwithstanding clause to restrict the use of English in Quebec. Then Filmon withdrew his Bill, and we all know what happened after that.

2) The enormous amount of money allotted to bilingualism and French Immersion should now be shared with English-speaking schools. There never seems to be a problem with funds for immersion programs, but the English language programs are being cut drastically for lack of funds. Transportation made necessary by the introduction of the bilingual program in Winnipeg is a tremendous added cost for education. This year in Manitoba the cost of busing increased 14 percent, the total cost being $3.3 million.

3) When French Immersion was established, local schools and communities were tragically disrupted, but children in the area all go to different schools. There is no community spirit. Kids do not play together. They do not even know each other. I cannot understand why dual track is not acceptable. That would be a more equitable way of spending the taxpayers' money.

4) I also think it is time politicians stopped catering to Quebec. It does not seem to matter how much

Quebec gets as outright gifts or favoured by the federal Government on contracts being awarded, such as the CF-18 contract which was the worst to date, it is never enough. The blackmail continues.

I would like to see Canada stay intact, but English Canada cannot be bullied, threatened or be given ultimatums. As we know now, Bourassa has asked for a number of things from Ottawa and expects to get it, of course, and also Bourassa has a fixed timetable. It seems to me we should not deal with Quebec under these conditions. Surely there has to be a coming together of English and French, but not one side making demands and refusing to negotiate. We need someone to speak for English Canada, but certainly not the Prime Minister. If he dared, he would give away the country to Quebec.

5) I think recall or impeachment should be entrenched in the Constitution, as in the case of Brian Mulroney, we cannot wait for two and a half years for another election. He must go now, so if we had the power to enforce impeachment, he would be gone.

6) Considering the state of affairs of the world today and the tragic mismanagement of our country, a statement made by William Stephenson might be particularly appropriate at this time. William Stephenson was born in Winnipeg and lived 17 years of his life here. During the Second World War he was employed by British Intelligence and was known as "Intrepid." This was his statement, and I quote: And the people must pay for the incredible stupidity of their leaders.

Mr. Chairman: Thank you, Ms. Stefansson. There may be questions, if you would be so kind. Mr. Enns.

Mr. Enns: I am intrigued with Ms. Stefansson's last comment about people paying for the stupidity of their leaders. Would she also agree that the people must, maybe regrettably, learn to live with the Governments they elect from time to time?

Ms. Stefansson: I did not hear your question.

Mr. Enns: I was intrigued with your last statement about the people paying for the stupidity of their leaders. I was just wondering whether you would concur that they also have to learn to live with the Governments they elect from time to time.

Ms. Stefansson: I do not know if we should really live with it. I think we should revolt like this case where Brian Mulroney is in charge.

Mr. Carr: How do we get smarter leaders?

Ms. Stefansson: I do not know what happens to people when they go into politics. They seem to be all right until they get in there, and then they are so self-serving it is unbelievable. Then you have—we always get back to Brian Mulroney. You have people who are intimidated by him, and when he says something, they click their heels and boy they go like this. Of course, the worst thing in any Government is to have a majority Government, because then they can do whatever they want.

Ms. Friesen: I wanted to ask you about your opposition to bilingualism. You say that it has divided communities, and I wondered if you could perhaps give us some evidence of that. I am not disputing it, but I just wanted to know which particular communities you were thinking of, and if perhaps there is a counter-balance to suggest that it has strengthened the ties between other types of communities, of the respect between French and English in Manitoba, or that it has opened opportunities for our students elsewhere in Canada. Is there a balance there?

Ms. Stefansson: Well, I said to you I do not understand why we cannot have dual track, why can we not? It is very easy to learn another language that way. The expense is horrendous. Even the man in charge, is his name Fortier? He talks about it. The millions that go into this program, and now the English programs are just going under. Why do we have this discrepancy?

Ms. Friesen: You are not opposed to bilingualism, you would be in favour of dual track schools, is that it?

Ms. Stefansson: That is what I am in favour of, I said that in my brief.

Ms. Friesen: I see. It does say you are against official bilingualism, that is what I was pursuing.

Ms. Stefansson: Yes, official bilingualism. Yes, I am. I am not against bilingualism, I am bilingual myself.

Ms. Friesen: The communities which it has divided?

Ms. Stefansson: Certainly it divides the communities. I hate to repeat myself but—

Ms. Friesen: I was looking for evidence of particular communities. It is a very broad statement and I am looking for some evidence.

Ms. Stefansson: You can take any community. You just look at the busing around and you will see that the kids are not going to the same school, so they have no social life together.

Ms. Friesen: There is no one particular community you have in mind here?

Ms. Stefansson: No, it is wherever this is.

Ms. Friesen: Yes, okay. Thank you.

Mr. Chairman: Any other questions? Thank you again, Ms. Stefansson. Mr. George Marshall? Good morning.

Mr. George Marshall (Private Citizen): To my recollection, even five minutes with the Chair is worthwhile, but 20 minutes? My goodness.

In presenting a model for constitutional change in Canada, I am not presenting a list, and I hope you have the outline of all of my first choices. Indeed, some of them are reluctant choices, but it is an attempt to accommodate within a Constitution the aspirations of the people of Canada as I understand them to be.

Coming from the academic side I have turned over all the stones, and under item 1, I have said that Canada should remain a constitutional monarchy with a federal system of Government and with a written Constitution. It seems to me that we have been served well by the Queen, including the person of the Queen in her fortieth year of reign, and I do not know if she has even been mentioned up until now, impeccable in English and also impeccable in French, with a broad understanding of the commonwealth and of Canada. Beyond that of course is the notion of the symbol of politics being above politics, and it seems to me this institution is superior to electing a President and a Prime Minister.

* (1140)

Mr. Chairman: Mr. Marshall, I wonder if you could just pull that microphone a little closer, sir, we may hear you a bit better. Thank you.

Mr. Marshall: The federal system of Government has served the nation well. I cannot imagine a unitary system, and even those who have advocated it from this seat, I rather expect that whatever happens, we will still be a federal country.

Division of powers: Under a federal system, you need a division of powers and you need a written Constitution in order to spell out what the divisions of power are.

Item 2: The Charter of Rights and Freedoms should remain central and a fundamental component of our written Constitution. The rights of the individual, the recognition regardless of gender, race, colour or creed, it seems to me, is fundamental to our understanding and our beliefs. I dislike, of course, the notwithstanding clause. I think the three times it has been used, for whatever reason, could hardly be described as generous.

Those who are concerned about the Legislature or the Parliament not having complete power, in fact we have a tripartite system, the executive, the Parliament and the judiciary. The judiciary must interpret complaints or arguments with respect to the written Constitution, with respect to jurisdiction, why not with respect to the citizen and to his Government? At times we seem to be in the limiting business. It seems to me we should be open and not closed.

Item 3: The House of Commons should be abolished. This sounds like a radical statement on its merit, and it would seem that you have probably heard it before directly, but you have also probably heard it indirectly, people who have advocated that we should abolish the Senate but regionalize the House of Commons, which is essentially the same thing. Since we already have a regional Government, a regional Parliament, why abolish the representative one if you want to have a regional central Government?

The Senate should be elected, 24 Members from each of five regions. The senators should be elected for fixed but not coincident terms. People have said with truth we need a strong central Government, and I agree with that, but that accepts the premise, indeed the conclusion, that the jurisdictions will remain as they are. Indeed, executive federalism is an exercise in which the conclusion is already reached that the jurisdictions will stay as they are.

Stronger regions are the obvious alternative to a strong central Government. The weaker provinces' strength will come from the region, not from the centre, if indeed that is to be the model.

The Senate should be elected from five regions—item 4—and the senators should be elected for fixed and not coincident terms. One of the things that has already puzzled and disturbed me in our public life is that the notion of representative Government always gives you four years—two years of goodies, one year of looking at things—two years of bad taste as a matter of fact—the third year beginning to prepare for an election, and in the fourth year the goodies all come out. That is not a partisan statement; that is a statement that seems to be fact. I do not know how you can run an economy that way.

It seems to me the economic cycle, which tends to be longer than the electoral cycle, would be helped if we had a more stable electoral cycle, whether it is for

six years, every two years or every year for four years, whatever, fixed terms but not coincident terms. The Americans have an excellent Senate. Unfortunately, they put all their money Bills in the representative House.

I think that eight provinces and two territories should be abolished. Now, that is not fundamental to the model, but I think it is helpful. I think it is helpful for a number of reasons. Ontario and Quebec have the national capital on their border. They have the old MacDonald centre-land, hinterland model. They have the population, but the greatest single benefit, it seems to me, that they have is that they speak with one voice, and they are already a region.

Without disparaging past Parliaments, invariably when there is a problem with the fishery in Atlantic Canada, there is a problem out this way, at some point someone will get up from the West or from the Atlantic provinces and applaud the federal Government for whatever reason at exactly the wrong time. It seems to me that is not helpful to us in the West, not helpful at all.

It follows then that the five regions are Atlantic Canada, Upper Canada, Lower Canada, western Canada and northern Canada. I observe in developing this model, which is not my first choice as I say but rather an attempt to capture the aspirations, it seems to me that the West wants in, the North wants in, the aboriginal people want in, even Quebec, if their aspirations can be accommodated, want in, but the disparate aspirations can best be accommodated it seems to me within strong regions. Strong regions are a legitimate alternative to a strong central Government.

Here in the West we are second in geography to the North, we are second in population to Ontario or Upper Canada. With water, hydro, wheat, uranium, potash, oil, cattle, timber and fish, I do not think we would have to have a raffle in western Canada.

Moreover, there is an irrationality to the division. In Atlantic Canada the fishery is divided into five jurisdictions, four provinces and the federal Government.

Our socialist friends like to look to Sweden as a model. I would rather look to Iceland, the smallest country in the world with all the institutions of Government except the military. They speak four or five languages—and the most remote. The only time they get excited is when someone threatens the fishery. They had no military in the '60s; they took on the British Navy. Compare that to what is happening in the Atlantic fishery today.

I think it is largely structural, and we have the same problem in western Canada. I recall the Minister with the grain hat from Ontario, Mr. Whelan, used to say that Ontario is the greatest agricultural province, and, of course, it is. The reason it is is that the great western farm belt is divided into three jurisdictions. To me, that is not rational; that is completely irrational.

I am recommending in my model that the regional Governments should be elected representation by population, and I have said 120 in each region. The regional House would be at the centre, and we only need one, in Ottawa. The representative Houses would be in the regions. It would reduce the size of Government, and I do not think you need any more Members than you need to staff the model.

In Manitoba, we would have about six at the central Government, and we would have about 15 in the regional Government. I think we would be well represented.

If I am allowed a bit of philosophy, I think that a representative—and I was in local Government for 26 years—has to look and has to listen. They have to listen to the people in the constituency, and I think that is a given, but if that is all you do, if all you are is a constituency caretaker, then surely you are not fulfilling what is inside of you. It is a bit like a scholarly paper; you have to be part of it. You have to look to the sovereign; you have to look to the ideals the sovereign represents. You have to look to the great parliamentarians, Edmund Burke and others.

To fulfill the responsible and important role that you have, and to fulfill yourselves, you have to bring out what is in you, and it seems to me, in my experience and with respect, that we have had too many constituency caretakers.

I hate to raise the term "revenue" or "expenditure neutral," because it has been perhaps misused of late, but if representation was going to be reduced by about two-thirds, I would double the salary, enhance the offices of the people that serve us. The reduction does not come because we have misuse at the moment, it is because quite simply we have a different model. That is what I recommend as a reason for change.

* (1150)

No. 9 is not fundamental to the model, but I think it is helpful to the notion of embellishment, the notion of representation. That is just an extension of what

already is in force on the federal Government and the federal courts, that the official languages of West and Upper Canada would be English, Lower Canada would be French, Northern Canada would be the aboriginal languages. I do not see that as something I necessarily sponsor, it is simply a response to the aspirations of the people of the regions. Why would we want to impose something that in fact the people do not aspire to? Secondly, I quite simply think it is a response to reality.

Following again that senators elected from the four southern regions would be bilingual in English and French—this is the representatives—and from the North would be English and French, this is an extension and not fundamental to the model. I have always been puzzled by people who could sit in Ottawa for two and three and four and five terms and never bother to learn any other language, although I applaud those who try.

Each region would have the power of veto over changes in the Constitution. I am not pro veto or against veto, but since one of the regions aspires to have the veto, why not have the veto?

Under the model that I present—five regions—a rationalization, it seems to me, amongst the regions could well take place. It could well mean that there may be areas in the Canadian Shield that properly belong in the northern region. I would not propose any changes at this point, but that is a possibility.

Finally, the Constitution would not preclude other regions joining the Canadian family, in particular the existing constitutional monarchies under Queen Elizabeth II. We have already had one example of that with Newfoundland. It is another advantage, it seems to me, of the monarchy. It is another advantage to this association of nations in the world which may not be the empire that Churchill envisioned but nonetheless is a fine example to the world as a whole.

In closing, Mr. Chairman, we all want to fulfill the Canadian dream. It may be a Canadian mirage. My concern is that we may have the willingness and we may have the aspirations to keep together, but because of jurisdictional limitations it will not happen, and that would be unfortunate.

Even if the Canadian mirage is a dream, I would suggest that in the end we need a real camel with real water to cross the real desert, so we better look at all the questions. Thank you, Mr. Chairman.

Mr. Chairman: Thank you, Mr. Marshall. Questions? Thanks again.

Mr. Marshall: Thank you.

Mr. Chairman: Professor Rod Yellon. Recalling Alice Steinbart. Morning.

Ms. Alice Steinbart (Private Citizen): Good morning. There is a written submission.

Mr. Chairman: Yes, thank you.

Ms. Steinbart: I am pleased that you are again holding public hearings. All Governments should have respect for us, the people, to recognize our right to be heard formally by public hearings on all legislative proposals. Unfortunately, Manitoba is the only political entity at the federal or provincial level that guarantees our right to be heard. I commend the politicians in Manitoba for extending that right prior to any legislation being proposed.

I believe in a strong federal Government. Only a strong federal Government can equalize wealth between the various regions of Canada. A strong federal Government will have the ability to tax the whole country and take money from the richer areas and distribute the wealth to the poor areas. It is wrong that a person's economic well-being could depend on which province she lives in. Only a strong federal Government can put into effect social programs such as medicare, pensions, unemployment insurance and day care and provide uniformity of standards, coverage and rights.

Only a strong federal Government can promote unity throughout the country and our national values. A strong federal Government can more easily promote progress and reform, whether it be in the economic field or environment, social services or agriculture, or any of the various jurisdictional fields. A strong federal Government will make a strong Canada.

There must be a transfer of jurisdiction over social services and education from the provinces to the federal Government. Only the federal Government has the ability, through its taxing power, to raise the money to pay for our social services. By giving sole jurisdiction for social services to the federal Government, Governments or politicians will no longer be able to shirk responsibility by saying it is not their jurisdiction. We will know whether our medicare system is under attack or if there is a problem with it, and it will be easier to find solutions and to put them into effect.

Education must be transferred to the federal Government for the same reasons. Only the federal Government has the ability to raise the money to pay

for a good education system, and if the jurisdiction is in the hands of one authority, then we will not be faced with the cop-out statement that it is not our jurisdiction.

There still can be some local input into the education system, if the federal Government has jurisdiction, by legislating that the federal Government can only set policy in conjunction with local advisory boards. Those boards would be elected by the parents and teachers and not appointed by the Government. There is no jurisdiction that should be transferred from the federal Government to the provinces.

There must be a transfer of power from all levels of Government to the people. There are many ways in which this can be done, including:

Governments will not be defeated as a result of the defeat of a Government-sponsored piece of legislation; defeat will only result by a nonconfidence motion. Since this is theoretically the reason for the Whip, the Whip should then be abolished. Politicians should then be able to vote according to what their constituents want and not what their Party Leader has decided.

The people must elect the Prime Minister, the Premier, the Mayor or the Reeve directly. The Prime Minister and the Premier are not to be elected by the Party. The Prime Minister and the Premier must be directly answerable to us, the people, and not to the Party or the politicians. If we had direct voting for the Prime Minister and the Premier, then perhaps the politicians in each riding would more likely be elected or defeated on the basis of their abilities or lack of them, rather than by riding in on the Party Leader's coattails.

* (1200)

The people must have the right to bring in, repeal or amend legislation. Californians have this right; it is called initiatives or proposals. If a certain percentage of people signed a petition, then the initiative is put on the next ballot, and the people vote for or against it.

The people must have the sole right to call an election. Each year at a specified date, people will vote whether there will be an election that year. If they vote yes, then an election will be held within 40 days. If they vote no, there will be no election that year. It must no longer be in the hands of some manipulative politician to decide our and his fate. As our technological ability increases, it becomes easier to hold nation-wide votes. For example, the vote for an election could be done by Canadians phoning one of two 900 numbers over a two-day period. Such a method would make a vote less costly.

The people must have the right of recalling a politician. If a certain number of people sign a petition, then an election will be held within 40 days. People will then vote as to who will represent them so that not just the sitting Member will be running but also any other candidate who wishes.

The people must have the right to declare war or peace. The Prime Minister, the Cabinet and Parliament should each have separate rights to declare war or peace in an emergency, but such a declaration must be voted on by the people within 40 days. War and peace are too important to leave in the hands of politicians, or as some people have put it, if the politicians are not the ones who will be on the front lines dying, they are not the ones to be making the decision.

All major issues must be referred to the people in a referendum. The reference can be started by the politicians or by the people. If a certain number of people sign a petition, then a referendum will be held in 40 days. The results of the referendum will be binding on the politicians.

The people will have the right to impeach any politician. The impeachment process will be started by a certain number of people signing a petition. A vote as to whether there will be an impeachment hearing will be held in 40 days. The tribunal that will hear the impeachment will also have to be set up in the Constitution.

The people will have the right to have formal public hearings on all proposed legislation. Manitoba has that provision now, and it is time that all Governments recognize people's rights to be heard more than just at election time.

The federal and provincial Legislatures would be elected by proportional representation. This would probably force Parties to form coalitions as no one Party may win a majority. At this point, Canadian experience has been positive on coalition Governments. They have proved workable and good for the people.

Charter rights: The notwithstanding clause must be removed from the Charter of Rights.

Constitutional change: No constitutional change can be made without a vote by the people requiring a two-third majority. The majority must not be based on regions. A Canadian is a Canadian, and some regions are not more important than others.

Suggestions for constitutional change may come from either the people, the federal Government or any province. All suggestions must be referred to a constituent assembly or a task force. No one who holds an elected office at the federal or provincial level or who held such an office in the previous three years could sit on the constituent assembly or task force. Members of the assembly or task force will be voted in by the people.

All constitutional proposals must be studied for at least a year by the assembly or the task force before being referred to a vote by the people. Parliament and the Legislative Assemblies will not need to vote on it as the people will decide.

The aboriginal people should have the right to self-government. By that I mean local Government with perhaps some of the powers of the provincial Government. I do not mean a separate country within Canada or an associated state within Canada. I do not agree with decentralization as it will mean the end of our flourishing as we have and lead to small, weak political units which cannot possibly give us the high standard of living we want, nor promote our national values.

As a Westerner, I am unfortunately aware of the regional divisions in this country. I consider myself a Canadian first, and I want to be a Canadian, but I do not want to be put down by some of the other regions in this country, nor do I want to be taken advantage of. If these other regions will not respect me or recognize my rights, then I will seek to protect myself.

For Westerners at the moment, that protection might be found in the Triple-E Senate. I like the theory behind the idea, but I do not believe it will work as well as the theory says, because unfortunately the senators are politicians. We are all too aware that our Members of Parliament and Members of the Legislative Assembly will do what their Party Leader tells them and not what we the people want. Senators will also do what the Leader of their Party tells them and not what we Westerners want.

If power is transferred to the people, I would feel more comfortable. If decisions are to be made by the people and not the politicians, then I believe that the people of Canada can be trusted to do what is fair and reasonable no matter what region they live in.

We do not need a Triple-E Senate, nor any Senate at all. Decisions like the CF-18s could be referred to the people for a referendum. At this point, I feel that if the people had voted on the CF-18s, we would have had a different outcome.

The federal and all provincial Governments should set up a study, either together or individually, to examine our demands if Quebec leaves and what the effect would be if we do not get our demands. Very little has been written on what our rights are and how we might enforce them. I have seen some suggestions that Quebec must assume a portion of the national debt, that Quebec must pay for the federal buildings and land in that province, that part of the land in Quebec must be returned, as it is either Crown land or given to Quebec under certain conditions, that the seaway must remain in our control.

I do not know if we have the legal right to ask for these or if we can enforce our demands, but we must know what options we have before we even decide whether we want to negotiate with Quebec for a decentralized Canada. Once we have this information we might not even want to negotiate with Quebec for a new Constitution, but rather we might immediately proceed to negotiate a new constitution without Quebec, that is, for a strong central Government.

At this point, if I must choose between a decentralized country with Quebec or a country without Quebec, I would choose a country without Quebec. A decentralized Canada would be as vulnerable to not being able to exist as a Canada without Quebec. However, if we have a Canada without Quebec, we just might be able to set up a strong enough federation that Canada could remain viable. If Quebec leaves, then I would want to try to set up a strong federal Government for Canada.

If Quebec does separate, I do not want any association with it, including a common currency or monetary policy. If Quebec has any influence, then it would be a decentralizing and destabilizing influence. Those who argue that a Canada without Quebec is unthinkable, my answer is: for you perhaps but not for me. It is not possible to know at this time if it would work, but it is also not possible to know if it would not work.

I no longer believe the myth that Canada is a democracy. We are unfortunately an elected dictatorship. The only protection that we have against politicians is the right to vote every four or five years. This simply is not enough, because who do we vote for? You are all the same; we have no choice.

It would be difficult to transfer power from the politicians to the people, because unfortunately there

are too many people who hold anti-democratic beliefs. We hear them say referendums are not needed because it is the politician's job to govern and not the people's, or put more arrogantly, that people cannot vote on complex issues, or put more subtly, that complex issues cannot be reduced to a yes/no vote in a referendum. What is really happening behind these arguments is a dislike or fear of sharing power. If people have the ability to vote in elections which presumably involve the same issues as could be covered by a referendum and where issues are also complex, then they have the intelligence to vote in a referendum. As for referendums simplifying an issue, so too an election simplifies issues.

I have heard some oppose referendums as too unwieldy. It is true, democracy can be unwieldy. Dictatorships are so much easier for those in power, but we do not want a dictatorship in Canada.

I have also heard those who oppose referendums say that you cannot have a referendum on everything. I am not suggesting that we have a referendum on everything but only on those matters that the people by petition decided to call a vote on.

Some will oppose some of the reforms I have suggested because they are too American. So what? If the reforms are good, then it does not matter if they are American.

Some will oppose these reforms because they destroy our institutions. If our institutions are not serving us well, then change them.

Some will oppose these reforms because they bring in too much uncertainty. Governments will not be sure of passing legislation. I am willing to put up with Governments being uncertain if legislation will pass or not if this brings us, the people, more power and gives us democracy rather than an elected dictatorship.

Some will oppose these reforms because there may be too many splinter Parties or politicians will cater to interest groups. I find this statement particularly arrogant. Those interest groups are us, the people. It is Government's responsibility to represent us and "cater" is an improper word.

Some will oppose these reforms because they say the Government will not have the courage to do what is right if the people oppose it. If people oppose legislation, the proper response in a democracy is to try to persuade the people to change. This may require patience, but in a modern pluralistic society patience and a willingness to respect other views and to work to change opinions is what is required. It is improper to show "courage in leadership" and go against the will of the people.

Some may argue that the proposals I have suggested on transferring power to the people are too expensive. For example, it would be costly to have a yearly decision by the people on whether to call an election.

I have no doubt that those who oppose transferring power to the people can find drawbacks to each of the proposals I have made, but these drawbacks are far less onerous than the disadvantage of leaving power in the hands of politicians, and democracy is worth the cost.

There is one last point that I make to the Conservatives on this task force. Until we get power into the hands of the people, we are stuck with this Party system which is serving us so badly. Therefore it is time that you get this Party system working and get rid of Mulroney now before he does more damage to our country.

Mr. Chairman: Thank you, Ms. Steinbart. Are there any questions? Thanks again.

Ms. Steinbart: Thank you.

Mr. Chairman: Recalling the Native Media Network, Peter Kelly-Kinew.

Mr. Peter Kelly-Kinew (Native Media Network, Inc.): Which is the clean glass here?

Mr. Chairman: Good day, sir.

* (1210)

Mr. Kelly-Kinew: Hello. I work with the Native Media Network, Inc. I have been for the past three years. The Chiefs of Manitoba, the Metis Federation and the Native Women's Association of Manitoba gave us a mandate to work on the Native languages and communications in Manitoba, and that is the reason why I wish to make this presentation.

What has happened is that in 1987, the organization was founded and we operated on much the same fashion as we have. The cutbacks in 1990 affected the organizations very drastically, but we still maintain that it is our position that we have to do something about the Native languages.

I wanted to do this presentation in my own language, but I think to be respectful of other people, it is better that I do it in English, I want to say, because my presentation basically has to do with the Native languages of Manitoba and indeed of Canada.

I graduated from the University of Manitoba in linguistics. After having gone to Osgoode Hall Law School, I decided to pursue a career in linguistics, and the reason I do this is because I believe that our people have to be in a position to do something about the Native languages, which brings me to the point where when I graduated after four years in linguistics, I was under the directorship, the tutorship of this Ph.D. from Harvard. He graduated from Harvard with a Ph.D. in Ojibway languages. After four years, I asked him, (Ojibway spoken) and he said, what? I repeated my question. What I said to him is, are you in a position now after spending four years that you are able to speak my language? He was my professor in linguistics. I mentioned this because it is very pertinent to the points that I want to make.

In my reserve, we brought in elders to help with the language classes. What happened in that classroom was that the teachers, the elders were required to learn the English grammar all over again. Eventually, after being in the classroom for about a month, they stopped simply coming over to the class. Having studied linguistics, it is my belief that this principle of subject-object-verb does not work with the Native languages, particularly the Algonkian languages of Canada.

I believe that when a child graduates, starts Kindergarten, right up to Grade 8 and, in certain cases, Grade 13, Grade 12, if the child has been instructed in the English language, that child should be ready to deal with the university level education.

However, what happens though is that when a child is being taught a different kind of grammar, that lends itself to the deterioration of the Ojibway grammar, and there is such a grammar. So what I have devoted myself, my life to, is to develop this Ojibway grammar utilizing Ojibway concept. Instead of saying this is a subject, you say the Ojibway word, the appropriate word, and then I have gone on to develop what I would call this grammar. But my problem and the point that I am trying to make here is simply this: that unless the languages of the Native are entrenched in the Constitution, all the Native languages in Canada are going to disappear.

When a people begin to lose their language, what happens is their spiritual language begins to disappear. When a spiritual language begins to disappear, what happens is that people begin to get lost.

In this kind of work that I am doing, particularly the past three years, I have spent a lot of time at Headingley jail, a lot of time at the Rockwood Institution and Stony Mountain Institution. I believe that we are the only group of people who are successful in keeping our people from returning back to prison and to jail, because we work with them with the principles that I talk about, the language of the spirit that has to be nourished, the way we conduct our ceremonies. We believe that we are successful.

The kind of work that we do is not a paid position, you see, and yet if we were recognized, I believe that we would save the taxpayers of Manitoba a lot more than what they are paying to keep people incarcerated all these ridiculous times.

My position here in making this presentation—and I wanted to just elaborate on some of the things that I wanted to talk about, but I also wanted to just read into this some of the things that I wanted to say.

The deterioration of the languages began as soon as the contact was made, but what happened though is that a lot of fur traders learned our languages. My grandfather—Charlie Copenace was his name—he spoke Dakota, he spoke Shawnee, he spoke my language and he spoke Cree. He spoke four languages. In those days, you had to speak at least three Native languages to survive. Today there are very, very few people who can speak their languages.

I am one of the very few people who can speak the language very fluently. I do not mind saying that I speak the language fluently, because I speak the English language also very fluently, and I think that it is possible that this be done.

I think that the universities, whether it is University of Toronto, whether it is York University, whether it is University of Manitoba, University of Winnipeg and so on, I believe have to recognize that changes have to be made in the way in which those linguistics departments are being administered, because when you go into the universities, what happens is that there is no Native person sitting there in control of what actually happens in the curriculum at the postgraduate level. That must be changed. That is one of the ways in which the languages could be assisted so that they will survive.

* (1220)

I do not believe that I want to go on and on and say and repeat all the sins that have been committed. My point is simply that the languages of Native people ought to be entrenched in the Constitution, and I know

the arguments against such a position, so we are going to have all the traffic tickets now written in all the Native languages. I do not think that is what we are saying. I do not think we are saying that all the law books have to be translated into the Native languages. What we are saying is that the Native languages, if they are entrenched, then we have at least a recognition that we can do something about our languages.

The problem with the Indian Act, the way the potlatch was outlawed, the way the sun dance was outlawed, these were the specific actions taken by the federal Government and the provincial Government to outlaw these practices. The effect is still being felt today because the attitudes are still there, and it is the attitude that we must work on, attitude at the level of the universities that has to change. Unless more Native people begin to actively participate in postgraduate courses to pursue linguistics, then there can be no active reclamation projects that are recognized by the academy, and indeed I do not think that the federal Government or the provincial Government are going to take any serious consideration of our proposals unless we have people at that level.

It is very sad that it has to go to this level, because when I graduated, as I made the point earlier, it was sad I was being taught by a man who could not even speak my language, and yet he had gotten his Ph.D in my language. It was a collection of words that this man had studied, and he placed on top of those words English grammatical concepts. When you graduate, I do not think you have accomplished too much. When you impose this subject-object-verb concept, what happens is that the child who graduates from Grade 12 has a vocabulary about this wide, yet they have another vocabulary this wide. This is totally neglected.

When I wrote my LSAT, I was given 12 pictures—12 pictures that I had to study. I had to construct a language out of these 12 pictures. Using these 12 pictures, you had to study, you had to write a very brief essay in that time allotted. It can be done.

I believe that we have the capacity to preserve our languages, but I do not think that we should have to fight all the way for this to take place.

That is my submission, and these are my reasons why I believe that Native languages should be entrenched. I think you very much.

Mr. Chairman: Thank you, Mr. Kelly-Kinew. Any questions? Thank you again, sir.

We are calling John Cardoso. Mr. Cameron Rolfe. Good morning, Mr. Rolfe.

Mr. Cameron Rolfe (Manitoba League of the Physically Handicapped): Good morning, sirs and ladies. You have a copy of this discussion paper I have prepared for the Manitoba League of the Physically Handicapped?

Mr. Chairman: Yes, sir.

Mr. Rolfe: It deals with the poverty issue, much of it. Disabled people are a numerous and poor minority, and we must address the issue of poverty. The Prime Minister is lying to his people here on the United Nations Security Council resolutions. I got a copy from Ottawa, Bill Blaikie. It authorizes member states to end the Gulf War. Mulroney has told us that he requested us. He lied to the people, and on that point I think we should be ready for an election. The Prime Minister is lying to the people. It does not compel members to turn to war.

About the poverty issue, about the disabled, that has to be addressed. It is a sad situation out there. I know what is happening and about the languages. There are three international languages: Spanish, Slavic and English. The country went metric to become internationally similar, so I wonder why we worry about forcing this French upon us when it is not a recognized language internationally. It is a story that I am still waiting for an answer, but the Prime Minister lies to the people. I do not know.

You have the report so I would just suggest you take some time to read it and remember the poverty and the disabled issue. That is all I have to say.

Mr. Chairman: Thank you very much, sir. We certainly will look at your report with interest. Thank you.

Mr. Rolfe: Remember also that the Prime Minister is lying to the people about—I do not need that from anybody. When you get some little weasel like Mulroney lying to me, I do not like it. I think the Canadian people should stand up and say out, out.

Mr. Chairman: Any questions? Thanks again. Professor Rod Yellon—recall. Good morning.

Mr. Rod Yellon (University of Manitoba): Good morning. May I begin?

Mr. Chairman: Yes, please.

* (1230)

Mr. Yellon: Mr. Chairman, Members of the Manitoba Constitutional Task force, ladies and gentlemen.

In my brief to you today, I am going to concentrate on trying to come up with some specific recommendations and try to minimize the commentary that goes along with them which can obviously be elaborated another time. I have attempted to in effect envisage potential scenarios which are obliged to address and try to develop some sort of integrated and consistent strategy for dealing with them. This is a situation which tests our intelligence and our character to the extreme, and all of us must try to figure out what is the most intelligent thing to do, recognizing the realities and act in a manner that ensures respect for others, as well as our own self-respect.

My first recommendation is that the task force and the Government of Manitoba recognize that the constitutional agenda has expanded. It now encompasses, as I see it, four main items, each of which I shall use as a heading in this presentation. Those four agenda items facing us now are as follows: (1) The question of Quebec remaining in Canada; (2) the question of the separation of Quebec from Canada; (3) the question of Canada following the separation of Quebec; and (4) the question of Canadian union with the United States.

Let me turn to the first of these, the question of Quebec remaining in Canada. I no longer believe that this is politically possible. This is what I would like to happen, but I do not think realistically this is any longer a meaningful alternative. However, since I believe, I am sure of many other Members of the task force and the population of Manitoba believe that the separation of Quebec from Canada will impoverish both parties. I feel it is incumbent upon us to take up Mr. Bourassa's challenge to make one last try to save our nation. The question is what form should that effort take? Here I have several interrelated recommendations to make.

Therefore, recommendation (2). Do not allow either Mr. Bourassa or Mr. Parizeau to continue to retain the initiative and control the constitutional agenda as they are each in their own way attempting to do. Giving up control of the agenda and a time frame for its realization is to risk losing through mere procedural ineptitude. In effect, we are not bound by the agenda or the time frame of the Allaire report or any other position taken by the Quebec Liberal Party or the Parti Quebecois. We should have no qualms about seizing the initiative and in fact pre-empting the proposals and deadlines of those Parties.

Recommendation (3). We should recognize that the situation in Quebec demands nothing less than the clear expression of an unequivocal commitment by the Government of Canada and the Governments of all the provinces to the preservation and enhancement of the distinct social and cultural including linguistic institutions of Quebec. To be honest, I do not believe that this will any longer be enough; however, it seems to me clear that this is certainly the absolute minimum, some expression of this sort. I think to believe otherwise is to engage simply in self-delusion and to show an inappropriate lack of respect for our fellow Canadians in Quebec.

Recommendation (4). We should recognize that the situation outside Quebec demands that recommendation (3) be advanced within a context of what is minimally acceptable to Canada outside Quebec. It seems to me reasonably clear that the politically acceptable minimum outside of Quebec consists of the following elements: (a) the Charter of Rights and Freedoms shall not be compromised; (b) there will remain a federal, i.e., central Government with sufficient powers to engage in meaningful national policy-making across a reasonably broad spectrum of policy areas, even though the division of powers with the provinces may be different than it is now; (c) the concerns of western Canada shall neither be compromised nor remain unaddressed; (d) the rights of aboriginal peoples shall neither be compromised nor remain unaddressed.

Recommendation (5), the Government of Canada should be urged to implement recommendations (2), (3) and (4) in the following manner: (a) embody recommendations (3) an (4) in the form of a referendum calling for a public national referendum calling for a public constitutional conference of the representatives of the Governments of Canada, the 10 provinces and two Territories of Canada, and the aboriginal peoples, to begin no later than February 1, 1992; (b) specify the passage of the referendum shall require it to receive a majority of votes in each of Quebec and the rest of Canada as a whole; (c) specify that a negative vote in Quebec shall be taken as a declaration of its intent to separate itself from Canada and become a sovereign state with all future relationships with Canada subject to negotiation; (d) hold the referendum between October 1 and November 30, 1991.

The preceding recommendations embody two perspectives that should be noted briefly in passing. (1) The Allaire report should not be taken seriously as a negotiating position for two reasons: (a) its proposals are almost entirely related to the next

election in Quebec and have little to do with any meaningful negotiating position vis-a-vis the rest of Canada; (b) even if the foregoing is not so, the Allaire report is essentially a sovereigntist document that cannot serve as a meaningful basis for any negotiations to keep Quebec in Canada.

The second perspective embodied here is that the choice is basically between Quebec and Canada consistent with the principles enunciated in recommendations (2) and (3), or a fully sovereign, independent Quebec. A great deal of effort is being expended to find some "middle ground," some "creative alternative," some "new structural principles." These efforts are well meant but in my opinion are misguided. They reflect an unwillingness to accept the possibility that there is in practical, political terms no solid ground except on those principles mentioned above.

Proposals such as asymmetrical federalism or a form of constitutional contortionism that in practice would radically prove too uncomfortable a position to maintain for two reasons: (a) It is impractical as a form of meaningful national Government. Imagine a Cabinet agenda where after each item it was indicated this would apply to provinces X-Y-Z, X-Y-A-B, C-D-Y-A, and so on and so forth. It would require Cabinet Ministers to in effect develop split representative personalities. Imagine yourselves in a position where as representatives in the Legislature on certain issues you represented ridings A, B and C, on other issues you represented ridings B, C, and D, on others E, F and G. I do not think this is a practical proposition.

Secondly, it also rests on a false assumption of a compartmentalization of policy areas and policy implementation. They simply cannot be separated in that way. Policy flows across different areas. Implementation has effects on other policy areas. This is a basic understanding of the way politics works that I am sure every politician is very familiar with.

This brings us to recommendation (6), recognize the realities of the situation in Quebec. Those realities may be briefly summarized as follows:

(a) What is occurring in Quebec now and has been building over the past 50 years at least is a phenomenon known as nationalism.

(b) The historical record over the past 200 years of world history demonstrates in no uncertain terms that nationalism is up to the present time by far the most powerful ideological force, and that can virtually never be denied and until it has run its full course. You can simply examine the evolution of the state system since the French Revolution to document this very easily.

(c) As a result of this nationalist ideology, the clear majority of Quebecers in their hearts and minds, or to put it in more technical terms, psychologically, have already left Canada. For them Canada is unfortunately already a foreign country, although de jure they are still Canadian citizens.

(d) Those caught up in the ideology of nationalism, just as those caught up in any ideology, are simply not receptive to alternative proposals, to objective assessments or even to appeals to their rational self-interest. Two quick examples which I do not have time to develop: The Allaire report dumps all over the federal system without at all recognizing that it is within this federal system that Quebec has flourished incredibly over the last 30 years, a completely one-sided approach that does not recognize even Quebec's self-interest; again, the argument that the problems of Governments are the overlap between federal and provincial jurisdictions, and this duplication is crippling good Government. If you want to look at Government duplication, the obvious duplication is among the 10 provincial Governments, 10 of which are doing exactly the same things in different areas. That is where the duplication exists. For another example, I suggest you look at the article by Stephen Godfrey, Going Solo, in Saturday's Globe and Mail which develops a point along similar lines with regard to cultural policy.

(e) Therefore ultimately nothing less than full sovereignty will satisfy Quebec. The people of Quebec are determined to realize their destiny is maitres chez-nous. However, much as we may regret the consequences of this for Canada, we must respect the right of Quebecers to seek to fulfill their destiny as they see fit.

(f) It follows from this that even what I consider the last best option for retaining Quebec in Canada embodied in the preceding recommendations, or what anyone else suggests, has very little if any real prospect of succeeding.

That brings us to the second item on the agenda, the question of separation of Quebec from Canada. There is inevitably going to be a backlash when this occurs. You can see this in a letter to the Spicer Commission by four historians in today's Globe and Mail who write: Personally, the departure of Quebec

would be a trauma. We would consider it an unforgivable act and a wound that could not be healed.

If this is the attitude of people professionally trained and experienced in the attitude of objectivity, what sort of attitude are we going to expect with people who do not have that benefit? This backlash is obviously going to feed resentment in Quebec and is going to be complicated by the complexities of negotiating separation.

Therefore Recommendation 7, that the Leaders of Manitoba's political Parties take a firm and united stand against any expressions of bigotry and abuse directed at the Government and people of Quebec. Such expressions not only show disrespect to the legitimate aspirations of Quebec, but by their very expression they diminish ourselves. Let us not forget that a lot of Quebecers flowed side by side with that of other Canadians on foreign battlefields to defend our collective freedom, and Mr. Chairman, I hope that the task force will take the lead in including such a statement in both its interim and final reports.

To this could be added Recommendation 8, that the Leaders of the three Manitoba political Parties reaffirm their collective commitment to rights of the Francophone minority in Manitoba. Scapegoating members of that minority in reaction to what is going on, or might go on in Quebec, would be a shameful and reprehensible act unworthy of us.

Having said that, I think it is important to emphasize and I make clear in advance Recommendation 9, that if the people of Quebec indicate by means contained in Recommendation 5 or by some such other means their intent to achieve full sovereignty, then with all dispatch the following shall be undertaken:

* (1240)

(a) Recognition shall immediately be granted in some form to Quebec as an independent state.

(b) As a result of such recognition, Quebec shall no longer be entitled to participate in the Parliament of Canada, which shall de facto be the Government of a foreign country.

(c) A national election shall be held in the remaining parts of Canada to choose a Government to negotiate the terms of Quebec's separation.

Recommendation 10, within such negotiations, the Government of Canada look to its interest. I take it that is self-explanatory.

This brings us to agenda item 3, Canada without Quebec. Recommendation 11, that if we are going to create a new country without Quebec, then we should basically go back to basics, re-examine all our assumptions, ask all the impossible questions that we take for granted. Do we really need provinces? Do we really need the provinces as they specifically are? Do we need a separate province of Prince Edward Island? Does the area of northwestern Ontario really differ from that of Manitoba? Should Manitoba and Saskatchewan be separate provinces? We should also question our basic assumptions on divisions of powers.

Recommendation 12, that in building a new Canada under these circumstances, we rise above regionalism. I think one of the problems about a lot of attitudes and perhaps presentation to this committee is the focus on regionalism. I think if we look at it in some sort of historical perspective, we can see that it is the forces of regionalism that have prevented the first attempt to make Canada a success. In effect, we have failed to create a national identity. That is why we are in the present dilemma. To simply do the same thing all over again is to invite a second failure for Canada. In doing this, in rising above regionalism, we need to look at new fresh ideas, examine all possibilities. Possibly the situation should be that we should abolish provincial Governments as the seedbed of regionalism, have one central Government that is distributed across the country using new technology.

Do I still have five minutes, Mr. Chairman?

Mr. Chairman: Yes.

Mr. Yellon: Agenda item 4, Canada as part of the United States, and this brings us to recommendation (13). I think we have to recognize that if we do not implement recommendation (12), if we do not rise above regionalism in a new Canada and create a new national identity, inevitably we are going to be part of the United States. We have to recognize that the forces of north-south attraction are enormously strong. These are embodied now in the Free Trade Agreement. They may be embodied in the new agreement with Mexico, and quite obviously if Quebec under these circumstances separates from Canada, one of the most crucial restraints on those north-south relationships is going to disappear. In effect, we are going to face a fundamental question in a Canada without Quebec, that is, are we going to create some real national unity, create a really new Canada, or are we inevitably going to become part of

the United States? If it is the fact that we are going to become part of the United States, I would suggest we try to negotiate entry as a group in terms of maximizing the terms that we get.

I now want to turn to a fifth item on the agenda, that of rights and liberties. Here I would introduce the recommendation—I guess this is No. 14—that in all of this, whether with Quebec, without Quebec, with a new Canada, with the United States, we maintain and improve on the Charter of Rights and Liberties.

I want to make certain proposals that I think should be addressed, basically eight:

We should strongly reaffirm the right to equality.

The opting out or notwithstanding clause should either be abolished or severely restricted. It is much too broad as it is now.

Section 1 should be severely restricted. It is open to too much subjective interpretation.

The present Charter protection against Government actions should be seriously strengthened by expanding the present very restrictive interpretation of Government to provide protection against anybody or individual, directly or indirectly, in receipt of Government funds, services or benefits other than personal or family allowances and entitlements. In other words, organizations that receive loan guarantees from the Government should, by accepting those loan guarantees, opt into Charter rights protection.

Provisions should be made for Charter protection rights of victims. The present situation in Ontario I think is intolerable.

Charter protection of freedom of expression should be clarified and expanded to expressly include freedom of informed consenting sexual expression.

The provision of equal treatment under the law should be strengthened by expressly including reference to the right to equal access to Government services and benefits.

Finally, there should be provision made for participation in all phases of constitutional change including the processes of formulation of proposals, discussion of proposals, and decision making regarding proposals enshrined in the Charter. This is the clear lesson of Meech Lake.

Finally, a last word about and a last recommendation with regard to processes. In effect, the Government of Manitoba and the other political Parties who are participating deserve great credit for calling this constitutional task force. Obviously, neither I nor anybody else can, in 20 minutes in this particular moment of time, define all the potential scenarios and all the potential options. What is going to happen now is going to be a process that is going to go on and is going to change by different input as we go along. What can be done to ensure continuing interaction between the Government of Manitoba, the political Parties and the people? Obviously, the task force cannot be brought in and out of session on a continuing basis; obviously, it is difficult to mount continuously.

What I would suggest then as my final recommendation is the establishment of a Leaders' constitutional office created under the auspices of the three political Parties of Manitoba that could function usefully as both a reactive and pro-active mode by, in effect, first, filtering input given at any time from any individual in Manitoba to the three Parties in terms of ongoing constitutional comments and, secondly, could pro-actively go out and if necessary research or do public opinion surveys on particular points that the three Party Leaders feel should be addressed. This could be funded on a limited basis of 18 months to two years with, I think, a reasonable budget involving some seconding from already established budget functions.

Thank you, Mr. Chairman.

Mr. Chairman: Thank you, Professor Yellon. I know you will feel free to amplify your remarks by sending us documentation as you may be able. Are there any questions?

Mr. Enns: Mr. Chairman, I thank Professor Yellon for his presentation. I am not a regular Member of the committee, but my understanding and—I suppose quite understandable that many of the presentations have dealt with the problems there are in this country and in this province. That is certainly to be understood, but I appreciate Professor Yellon's addressing himself to the issues that we face, as this committee faces, as this province faces.

Just a clarification on one issue that you raised, Professor Yellon, early on in your presentation. You referred to the importance of Canada, I take it the federal Government seizing control of the agenda or taking the initiative on the agenda. I happen to agree with you very much on that point. If I understood you right, even to the point that if a referendum is going to be held anywhere in this country, a referendum being held in Quebec affects me as a Canadian, affects all

Canadians. I just want to understand that what I am reading is saying that ought to be—that is what you mean by controlling, taking the initiative in the agenda, a referendum should be held by Canada, and a dissenting vote in a region or a province like Quebec would in effect be their expression of their continued wish or non-wish to be associated with us. Did I understand you correctly, sir?

Mr. Yellon: That in fact is my suggestion, yes. In effect, what I am saying is that if we care about Canada, if we sincerely care about the possibility of Quebec remaining in Canada and willing to give it one last try, I am not so sure that we should allow political forces in Quebec, which seem to be now separatists and quasi-separatists, to control the agenda, control the time frame. If we are going to speak up for Canada, I see no reason why the terms of the referendum should not be set by the Government of Canada.

Mr. Enns: I could not agree with you more. I thank you for that observation, because I think it is an absolute truism that one ought not let one region of the country put such an important issue even though they may view it through their own jurisdiction, but it affects all of us. The framing of the question, timing of the question ought to be in the hands of the central Government that we all profess would like to see some continuity exist.

Mr. Yellon: I think this proposal might focus people's attention somewhat better than a proposal emanating from the Government of Quebec.

Mr. Chairman: Any other questions? Thanks very much, Mr. Yellon.

Well, ladies and gentlemen, that concludes our last public hearing, in this last round at least, of the Manitoba Constitutional Task Force. I have a few acknowledgments I would like to make, if you will bear with me.

First, our thanks to Videon and Cablevision for providing continuous live coverage to us throughout the days we have spent in Winnipeg. We very much appreciate that facility. I know my colleagues on the task force would join me in thanking our hardworking staff who have been behind the scenes. I would like to mention Profession Stephen Gallagher, our Director of Research; Terry Simmonds and Kathleen Mico, who are our Research Administrative Officers; Susan McIvor, who has been working in the task force office and receiving all the calls for making presentations; to Victor Toews, our Legal Adviser; to the Hansard staff; to the translators, Richard and Donald, who have been doing simultaneous English-French, and to Bohdan and Cindy, who have been providing American Sign Language service; to the Information Services staff, Harry and Tim; to the Legislative Assembly staff, Mel and Garry; and to our child services provider, Lorraine.

It has been an interesting 10 days here in Winnipeg, Brandon, Dauphin, The Pas, Thompson, and we now as a task force will retire and reflect and read and, of course, we will have a number of meetings toward the decisions that will go into the reporting that will be forthcoming to the Government of Manitoba.

I would like to thank all of you who came this morning as presenters, and again our thanks to the television audience who have been with us. It has been a pleasure for me and—I hope I speak for my colleagues—a most interesting experience, and we look forward to sharing our views with you on the process and the results in due course.

Thank you again and good morning.

HEARING ADJOURNED AT: 12:52 p.m.